

# Official Journal

## of the European Union

ISSN 1725-2555

L 245

Volume 46

29 September 2003

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Regulation (EC) No 1641/2003 of the European Parliament and of the Council of 22 July 2003 amending Council Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network. .... 1**
- ★ **Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ..... 4**
- ★ **Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency..... 7**
- ★ **Regulation (EC) No 1644/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency..... 10**
- ★ **Council Regulation (EC) No 1645/2003 of 18 June 2003 amending Regulation (EC) No 2965/94 setting up a Translation Centre for the bodies of the European Union. 13**
- ★ **Council Regulation (EC) No 1646/2003 of 18 June 2003 amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction ..... 16**
- ★ **Council Regulation (EC) No 1647/2003 of 18 June 2003 amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products ..... 19**

★ Council Regulation (EC) No 1648/2003 of 18 June 2003 amending Regulation (EEC) No 1360/90 establishing a European Training Foundation .....	22
★ Council Regulation (EC) No 1649/2003 of 18 June 2003 amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions and repealing Regulation (EEC) No 1417/76 .....	25
★ Council Regulation (EC) No 1650/2003 of 18 June 2003 amending Regulation (EC) No 2100/94 on Community plant variety rights .....	28
★ Council Regulation (EC) No 1651/2003 of 18 June 2003 amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction .....	30
★ Council Regulation (EC) No 1652/2003 of 18 June 2003 amending Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia .....	33
★ Council Regulation (EC) No 1653/2003 of 18 June 2003 amending Regulation (EC) No 40/94 on the Community trade mark .....	36
★ Council Regulation (EC) No 1654/2003 of 18 June 2003 amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work ..	38
★ Council Regulation (EC) No 1655/2003 of 18 June 2003 amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training and repealing Regulation (EEC) No 1416/76 .....	41

---

*Acts adopted pursuant to Title VI of the Treaty on European Union*

★ Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime .....	44
Declarations concerning all of the preceding acts .....	46

## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1641/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 22 July 2003**

**amending Council Regulation (EEC) No 1210/90 on the establishment of the European  
Environment Agency and the European Environment Information and Observation Network**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF  
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(2)</sup>,

Having regard to the opinion of the European Economic and  
Social Committee <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article  
251 of the Treaty <sup>(4)</sup>,

Whereas:

(1) Certain provisions of Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network <sup>(5)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, (hereinafter referred to as 'the general Financial Regulation') <sup>(6)</sup> and in particular Article 185 thereof.

(2) The general principles and limits governing the exercise of the right of access to documents, provided for in Article 255 of the Treaty, have been laid down by

Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(7)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should have rules which conform to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EEC) No 1210/90 to make Regulation (EC) No 1049/2001 applicable to the European Environment Agency, as should a provision for appeals against a refusal of access to documents.

(5) Regulation (EEC) No 1210/90 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1210/90 is hereby amended as follows:

1. Article 6 shall be replaced by the following:

*'Article 6*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Agency.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 59.

<sup>(2)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(3)</sup> OJ C 85, 8.4.2003, p. 64.

<sup>(4)</sup> Opinion of the European Parliament of 22 October 2002 (not yet published in the Official Journal), Council Common Position of 3 June 2003 (not yet published in the Official Journal) and Decision of the European Parliament of 1 July 2003.

<sup>(5)</sup> OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

<sup>(6)</sup> OJ L 248, 16.9.2002, p. 1. with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(7)</sup> OJ L 145, 31.5.2001, p. 43.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1641/2003 of the European Parliament and of the Council of 22 July 2003 amending Council Regulation (EC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network (\*\*).

3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the EC Treaty respectively;

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 1.;

2. in Article 8:

(a) paragraph 6 shall be replaced by the following:

‘6. The Management Board shall adopt the annual report on the Agency’s activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.’;

(b) the following paragraph shall be added:

‘7. The Agency shall forward annually to the budgetary authority all information relevant to the outcome of the evaluation procedures.’;

3. Article 12 shall be replaced by the following:

‘Article 12

1. Each year the Management Board, on the basis of a draft drawn up by the Executive Director, shall produce a statement of estimates of revenue and expenditure of the Agency for the following financial year. This statement of estimates, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

2. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

3. On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

5. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks after the date of notification of the project.’

4. Article 13 shall be replaced by the following:

‘Article 13

1. The Executive Director shall implement the budget of the Agency.

2. By 1 March at the latest following each financial year, the Agency’s accounting officer shall communicate the provisional accounts to the Commission’s accounting officer together with a report on the budgetary and financial management for that financial year. The Commission’s accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission’s accounting officer shall forward the Agency’s provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors’ observations on the Agency’s provisional accounts under Article 129 of the general Financial Regulation, the Executive Director shall draw up the Agency’s final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Agency’s final accounts.

6. The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to

the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, all information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.;

5. Article 14 shall be replaced by the following:

*'Article 14*

The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless such departure is specifically required for the Agency's operation and the Commission has given its prior consent.

(\*) OJ L 357, 31.12.2002, p. 72; corrigendum in OJ L 2, 7.1.2003, p. 39.'

*Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANNO

---

**REGULATION (EC) No 1642/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 22 July 2003**

**amending Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF  
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 95 and 133 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(2)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(3)</sup>,

Acting in accordance with the procedure referred to in Article 251 of the Treaty <sup>(4)</sup>,

Whereas:

- (1) Certain provisions of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(5)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup> (hereinafter referred to as 'the general Financial Regulation'), and in particular Article 185 thereof.
- (2) The general principles and limits governing the exercise of the right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(7)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should have rules which conform to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EC) No 178/2002 to make Regulation (EC) No 1049/2001 applicable to the European Food Safety Authority, as should a provision on appeals against a refusal of access to documents.

(5) Regulation (EC) No 178/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 178/2002 is hereby amended as follows:

1. Article 25(9) shall be replaced by the following:

'9. The financial rules applicable to the Authority shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless such departure is specifically required for the Authority's operation and the Commission has given its prior consent.

(\*) OJ L 357, 31.12.2002, p. 72; corrigendum in OJ L 2, 7.1.2003, p. 39.;

2. Article 26 shall be amended as follows:

(a) paragraph 2(f) shall be replaced by the following:

'(f) the preparation of the Authority's draft statement of estimates of revenue and expenditure, and the execution of its budget;'

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 79.

<sup>(2)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(3)</sup> OJ C 85, 8.4.2003, p. 64.

<sup>(4)</sup> Opinion of the European Parliament of 22 October 2002 (not yet published in the Official Journal), Council Common Position of 3 June 2003 (not yet published in the Official Journal) and Decision of the European Parliament of 1 July 2003.

<sup>(5)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(6)</sup> OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(7)</sup> OJ L 145, 31.5.2001, p. 43.

(b) paragraph 3 shall be replaced by the following:

‘3. Each year, the Executive Director shall submit to the Management Board for approval:

(a) a draft general report covering all the activities of the Authority in the previous year;

(b) draft programmes of work.

The Executive Director shall, following adoption by the Management Board, forward the programmes of work to the European Parliament, the Council, the Commission and the Member States, and shall have them published.

The Executive Director shall, following adoption by the Management Board and by 15 June, forward the Authority's general report to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions, and shall have it published.

The Executive Director shall forward annually to the budgetary authority all information relevant to the outcome of the evaluation procedures.’;

(c) paragraph 4 shall be deleted.

3. Article 41 shall be replaced by the following:

‘Article 41

#### **Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Authority.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (\*\*).

3. Decisions taken by the Authority pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the EC Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 4.’;

4. Article 43 shall be amended as follows:

(a) paragraphs 3, 4, 5 and 6 shall be replaced by the following:

‘3. The Executive Director shall draw up, in good time before the date referred to in paragraph 5, a draft statement of estimates of the Authority's revenue and expenditure for the following financial year and shall forward it to the Management Board, together with the establishment plan.

4. Revenue and expenditure shall be in balance.

5. Each year the Management Board, on the basis of a draft statement of estimates of revenue and expenditure, shall produce a statement of estimates of revenue and expenditure of the Authority for the following financial year. This statement of estimates, which shall include a draft establishment plan together with the provisional work programmes, shall be forwarded by 31 March at the latest by the Management Board to the Commission and to the countries with which the Community has concluded agreements in accordance with Article 49.

6. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.’;

(b) the following paragraphs shall be added:

‘7. On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Authority.

The budgetary authority shall adopt the establishment plan for the Authority.

9. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.'

5. Article 44 shall be replaced by the following:

*'Article 44*

**Implementation of the Authority's budget**

1. The Executive Director shall implement the Authority's budget.

2. By 1 March at the latest following each financial year, the Authority's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Authority's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Authority's provisional accounts under Article 129 of the general Financial Regulation, the Executive Director shall draw up the Authority's final accounts under his own

responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Authority's final accounts.

6. The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, all information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.'

*Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANN

---



**REGULATION (EC) No 1643/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 22 July 2003**

**amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and  
establishing a European Aviation Safety Agency**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF  
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(2)</sup>,

Having regard to the opinion of the European Economic and  
Social Committee <sup>(3)</sup>,

Acting in accordance with the procedure referred to in Article  
251 of the Treaty <sup>(4)</sup>,

Whereas:

(1) Certain provisions of Regulation (EC) No 1592/2002 of  
the European Parliament and of the Council of 15 July  
2002 on common rules in the field of civil aviation and  
establishing a European Aviation Safety Agency <sup>(5)</sup>  
should be brought into line with Council Regulation  
(EC, Euratom) No 1605/2002 of 25 June 2002 on the  
Financial Regulation applicable to the general budget of  
the European Communities <sup>(6)</sup> (hereinafter referred to as  
the general Financial Regulation), and in particular  
Article 185 thereof.

(2) The general principles and limits governing the exercise  
of the right of access to documents provided for in  
Article 255 of the Treaty have been laid down by  
Regulation (EC) No 1049/2001 of the European  
Parliament and of the Council of 30 May 2001  
regarding public access to European Parliament, Council  
and Commission documents <sup>(7)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the  
three institutions agreed in a joint declaration that the  
agencies and similar bodies should have rules which  
conform to those of that Regulation.

(4) Appropriate provisions should therefore be included in  
Regulation (EC) No 1592/2002 to make Regulation (EC)  
No 1049/2001 applicable to the European Aviation  
Safety Agency, as should a provision on appeals against  
a refusal of access to documents.

(5) Regulation (EC) No 1592/2002 should therefore be  
amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1592/2002 is hereby amended as follows:

1. Article 24(2)(b) shall be replaced by the following:

‘(b) The Management Board shall adopt the annual report  
on the Agency’s activities and forward it by 15 June at  
the latest to the European Parliament, the Council, the  
Commission, the Court of Auditors and the Member  
States.

The Agency shall forward annually to the budgetary  
authority any information relevant to the outcome of  
the evaluation procedures;’

2. in Article 47:

(a) paragraph 1 shall be replaced by the following:

‘1. Regulation (EC) No 1049/2001 of the European  
Parliament and of the Council of 30 May 2001  
regarding access to European Parliament, Council and  
Commission documents <sup>(\*)</sup> shall apply to documents  
held by the Agency.

<sup>(\*)</sup> OJ L 145, 31.5.2001, p. 43.’

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 85.

<sup>(2)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(3)</sup> OJ C 85, 8.4.2003, p. 64.

<sup>(4)</sup> Opinion of the European Parliament of 22 October 2002 (not yet  
published in the Official Journal), Common position adopted by the  
Council on 3 June 2003 (not yet published in the Official Journal)  
and Decision of the European Parliament of 1 July 2003.

<sup>(5)</sup> OJ L 240, 7.9.2002, p. 1.

<sup>(6)</sup> OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003,  
p. 43.

<sup>(7)</sup> OJ L 145, 31.5.2001, p. 43.

(b) paragraph 3 shall be replaced by the following:

'3. The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1643/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (\*\*).

(\*\*) OJ L 245, 29.9.2003, p. 7'

(c) the following paragraph shall be added:

'5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under Articles 195 and 230 of the EC Treaty respectively.'

3. in Article 48:

(a) paragraphs 3, 4, 5, 6 and 7 shall be replaced by the following:

'3. Revenue and expenditure shall be in balance.

4. Each year the Management Board, on the basis of a draft statement of estimates of revenue and expenditure, shall produce a statement of estimates of revenue and expenditure of the Agency for the following financial year.

5. This statement of estimates, which shall include a draft establishment plan together with the provisional work programme, shall by 31 March at the latest be forwarded by the Management Board to the Commission and to the States with which the Community has concluded agreements in accordance with Article 55.

6. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

7. On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.'

(b) the following paragraphs shall be added:

'8. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

9. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.'

4. Article 49 shall be replaced by the following:

'Article 49

#### **Implementation and control of the budget**

1. The Executive Director shall implement the budget of the Agency.

2. By 1 March at the latest following each financial year, the Agency's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Agency's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, under Article 129 of the general Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Agency's final accounts.

6. The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, any information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.;

5. Article 52 shall be replaced by the following:

*'Article 52*

#### **Financial provisions**

The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless such departure is specifically required for the Agency's operation and the Commission has given its prior consent.

(\*) OJ L 357, 31.12.2002, p. 72; corrigendum in OJ L 2, 7.1.2003, p. 39.'

#### *Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

G. ALEMANNO

**REGULATION (EC) No 1644/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 22 July 2003****amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF  
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(2)</sup>,

Having regard to the opinion of the European Economic and  
Social Committee <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article  
251 of the Treaty <sup>(4)</sup>,

Whereas:

(1) Certain provisions of Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 setting up a European Maritime Safety Agency <sup>(5)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup>, (hereinafter referred to as the general Financial Regulation), and in particular Article 185 thereof.

(2) The general principles and limits governing the exercise of the right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(7)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should have rules which conform to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EC) No 1406/2002 to make Regulation (EC) No 1049/2001 applicable to the European Maritime Safety Agency, as should a provision on appeals against a refusal of access to documents.

(5) Regulation (EC) No 1406/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1406/2002 is hereby amended as follows:

1. in Article 4:

(a) Paragraph 1 shall be replaced by the following:

‘1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Agency.

(\*) OJ L 145, 31.5.2001, p. 43.’;

(b) Paragraph 3 shall be replaced by the following:

‘3. The Administrative Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1644/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (\*\*).

(\*\*) OJ L 245, 29.9.2003, p. 10.’;

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 87.

<sup>(2)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(3)</sup> OJ C 85, 8.4.2003, p. 64.

<sup>(4)</sup> Opinion of the European Parliament of 22 October 2002 (not yet published in the Official Journal), Council Common Position of 3 June 2003 (not yet published in the Official Journal) and Decision of the European Parliament of 1 July 2003.

<sup>(5)</sup> OJ L 208, 5.8.2002, p. 1.

<sup>(6)</sup> OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(7)</sup> OJ L 145, 31.5.2001, p. 43.

(c) The following paragraph shall be added:

'5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Communities, under Articles 195 and 230 of the EC Treaty respectively.;

2. Article 10(2)(b) shall be replaced by the following:

'(b) shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

The Agency shall annually forward to the budgetary authority all information relevant to the outcome of the evaluation procedures.;

3. in Article 18:

(a) Paragraphs (3), (4), (5) and (6) shall be replaced by the following:

'3. The Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following year and shall forward it to the Administrative Board, together with a draft establishment plan.

4. Revenue and expenditure shall be in balance.

5. Each year the Administrative Board, on the basis of a draft statement of estimates of revenue and expenditure, shall produce a statement of estimates of revenue and expenditure for the Agency for the following financial year.

6. This statement of estimates, which shall include a draft establishment plan together with the provisional work programme, shall by 31 March at the latest be forwarded by the Administrative Board to the Commission and to the States with which the Community has concluded agreements in accordance with Article 17.;

(b) the following paragraphs shall be added:

'7. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

8. On the basis of the statement of estimates, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

9. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

10. The budget shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

11. The Administrative Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Administrative Board within a period of six weeks after the date of notification of the project.;

4. Article 19 shall be replaced by the following.

*'Article 19*

### **Implementation and control of the budget**

1. The Executive Director shall implement the Agency's budget.

2. By 1 March at the latest following each financial year, the Agency's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Agency's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, under Article 129 of the general Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his own responsibility and submit them to the Administrative Board for an opinion.

5. The Administrative Board shall deliver an opinion on the Agency's final accounts.

6. The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Administrative Board's opinion.

7. The final accounts shall be published.

8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Administrative Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, all information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.;

5. Article 21 shall be replaced by the following:

*'Article 21*

### **Financial provisions**

The financial rules applicable to the Agency shall be adopted by the Administrative Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.

(\*) OJ L 357, 31.12.2002, p. 72; corrigendum in OJ L 2, 7.1.2003, p. 39.'

### *Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 July 2003.

*For the European Parliament*  
*The President*  
P. COX

*For the Council*  
*The President*  
G. ALEMANNO

**COUNCIL REGULATION (EC) No 1645/2003****of 18 June 2003****amending Regulation (EC) No 2965/94 setting up a Translation Centre for the bodies of the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

agencies and similar bodies should implement rules conforming to those of that Regulation.

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

(5) Appropriate provisions should therefore be included in Regulation (EC) No 2695/94 to make Regulation (EC) No 1049/2001 applicable to the Translation Centre for the bodies of the European Union, as should a provision on a right of appeal against a refusal of access to documents.

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

(6) Regulation (EC) No 2965/94 should therefore be amended accordingly,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Certain provisions of Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (hereinafter referred to as 'the general Financial Regulation'), and in particular Article 185 thereof.

*Article 1*

Regulation (EC) No 2965/94 is hereby amended as follows:

(2) Article 10 of Regulation (EC) No 2965/94 should be amended to clarify the arrangements for financing the Centre.

1. Article 8(3) shall be replaced by the following:

'3. The Management Board shall adopt the annual report on the Centre's activities and transmit it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the bodies referred to in Article 2.

(3) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.

4. The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.;

(4) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the

2. Article 10(2):

(a) point (b) shall be replaced by the following:

'(b) The Centre's revenue shall comprise payments made by the bodies for which the Centre works and by the institutions and organs with which collaboration has been agreed in return for work performed by it, including interinstitutional activities, and a Community subsidy.;

(b) point (c) shall be deleted;

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 50.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 314, 7.12.1994, p. 1. Regulation as amended by Regulation (EC) No 2610/95 (OJ L 268, 10.10.1995, p. 1).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.

3. Article 13 shall be replaced by the following:

*'Article 13*

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre, which shall include an establishment plan.

2. The revenue and expenditure shown in the budget of the Centre shall be in balance.

3. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Centre for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

4. The estimate shall be forwarded by the Commission to the European Parliament and to the Council (hereinafter referred to as the 'budgetary authority') together with the preliminary draft general budget of the European Union.

5. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

6. The budgetary authority shall authorise the appropriations for the subsidy to the Centre.

The budgetary authority shall adopt the establishment plan for the Centre.

7. The budget of the Centre shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

8. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.;

4. Article 14(2)(3) and (4) shall be replaced by the following:

'2. By 1 March at the latest following each financial year, the Centre's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and to the Council.

4. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Centre's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.;

5. Article 15 shall be replaced by the following:

*'Article 15*

The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from



Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Centre's operation and with the Commission's prior consent.

(\*) OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

6. an Article 18a shall be inserted:

*'Article 18a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Centre.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1645/2003 of 18 June 2003 amending Regulation (EC) No 2965/94 setting up a Translation Centre for bodies of the European Union (\*\*).

3. Decisions taken by the Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 13.'

#### *Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYS

---

**COUNCIL REGULATION (EC) No 1646/2003****of 18 June 2003****amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) Certain provisions of Council Regulation (EC) No 2667/2000 of 5 December 2000 on the European Agency for Reconstruction <sup>(4)</sup>, should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (hereinafter referred to as the general Financial Regulation), and in particular Article 185 thereof.
- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.
- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.
- (4) Appropriate provisions should therefore be included in Regulation (EC) No 2667/2000 to make Regulation (EC)

No 1049/2001 applicable to the European Agency for Reconstruction, as should a provision on appeals against a refusal of access to documents.

- (5) Regulation (EC) No 2667/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2667/2000 is hereby amended as follows:

1. Article 4(14) shall be replaced by the following:

‘14. The Governing Board shall adopt the annual report on the Agency’s activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission and the Court of Auditors.

15. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.’;

2. Article 5(1)(e) shall be replaced by the following:

‘(e) preparation of the draft statement of estimates of the Agency’s revenue and expenditure, and execution of the Agency’s budget;’

3. Articles 7, 8 and 9 shall be replaced by the following:

*‘Article 7*

1. Each year, the Governing Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Agency for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Governing Board to the Commission by 31 March at the latest.

2. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

3. The Commission shall examine the estimate, taking account of the priorities it has agreed and the overall financial guidelines for Community assistance for the reconstruction of Serbia and Montenegro and the Former Yugoslav Republic of Macedonia.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 167.

<sup>(2)</sup> Opinion delivered on 27 March 2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 306, 7.12.2000, p. 7. Regulation as last amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.

It shall establish on this basis, within the proposed limits of the overall amount to be made available for Community assistance to Serbia and Montenegro and the Former Yugoslav Republic of Macedonia, the indicative annual contribution for the budget of the Agency.

4. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

5. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

6. The budget of the Agency shall be adopted by the Governing Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

7. The Governing Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Governing Board within a period of six weeks from the date of notification of the project.

8. In the interests of budgetary transparency, funds from sources other than the general budget of the European Union shall be shown separately in the Agency's revenue. In the expenditure, administrative and staff costs shall be clearly separate from operating costs for the programmes referred to in the first indent of Article 2(3).

#### Article 8

1. The Director shall implement the budget of the Agency.

2. By 1 March at the latest following each financial year, the Agency's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Agency's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Agency's final accounts under his own responsibility and submit them to the Governing Board for an opinion.

5. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Governing Board's opinion.

6. The Governing Board shall deliver an opinion on the Agency's final accounts.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Governing Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

#### Article 9

The financial rules applicable to the Agency shall be adopted by the Governing Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Agency's operation and with the Commission's prior consent.

(\*) OJ L 357, 31.12.2002, p. 72. Corrigendum in OJ L 2, 7.1.2003, p. 39.;

4. the following Article shall be inserted:

*'Article 13a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Agency.

2. The Governing Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1646/2003 of 18 June 2003 amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction (\*\*).

3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 16.'

*Article 2*

This Regulation shall enter into force on the on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*  
*The President*  
G. DRYG

**COUNCIL REGULATION (EC) No 1647/2003****of 18 June 2003****amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,Having regard to the opinion of the European Parliament <sup>(2)</sup>,Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

(1) Certain provisions of Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (hereinafter referred to as 'the general Financial Regulation'), and in particular Article 185 thereof.

(2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EEC) No 2309/93 to make Regulation (EC) No 1049/2001 applicable to the European Agency for the Evaluation of Medicinal Products, as should a provision for appeals against a refusal of access to documents.

(5) Regulation (EEC) No 2309/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2309/93 is hereby amended as follows.

## 1. In Article 55:

(a) the fifth indent of paragraph 2 shall be replaced by the following:

— 'for the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget,'

(b) paragraph 3 shall be replaced by the following:

'Each year the Executive Director shall submit a draft work programme for the coming year to the Management Board for approval, making a distinction between the Agency's activities concerning medicinal products for human use and those concerning veterinary medicinal products.'

(c) paragraph 4 shall be deleted.

## 2. Article 56(5) shall be replaced by the following:

'5. The Management Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors and the Member States.

6. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.'

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 61.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 214, 24.8.1993, p. 1. Regulation as amended by Commission Regulation (EC) No 649/98 (OJ L 88, 24.3.1998, p. 7).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1, with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.

3. Article 57 shall be replaced by the following:

*'Article 57*

1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Agency.

2. The revenue and expenditure shown in the budget shall be in balance.

3. The Agency's revenue shall consist of a contribution from the Community and fees paid by undertakings for obtaining and maintaining Community marketing authorisations and for other services provided by the Agency.

4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure costs, operating expenses and expenses resulting from contracts entered into with third parties.

5. Each year the Management Board, on the basis of a draft drawn up by the Executive Director, shall produce an estimate of revenue and expenditure for the Agency for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the 'budgetary authority') together with the preliminary draft general budget of the European Union.

7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

9. The budget of the Agency shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.'

4. The following Article shall be inserted:

*'Article 57a*

1. The Executive Director shall implement the budget of the Agency.

2. By 1 March at the latest following each financial year, the Agency's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall submit the Agency's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Agency's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Executive Director shall draw up the Agency's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board of the Agency shall deliver an opinion on the Agency's final accounts.

6. The Executive Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

11. The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Agency's operation and with the Commission's prior consent.

---

(\*) OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

5. The following Article shall be inserted:

*'Article 63a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and

Commission documents (\*) shall apply to documents held by the Agency.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1647/2003 of 18 June 2003 amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (\*\*).

3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

---

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 19.'

*Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYS

---

**COUNCIL REGULATION (EC) No 1648/2003****of 18 June 2003****amending Regulation (EEC) No 1360/90 establishing a European Training Foundation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) Certain provisions of Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (hereinafter referred to as 'the general Financial Regulation') and in particular Article 185 thereof.
- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.
- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of the Regulation governing access to their documents.
- (4) Appropriate provisions should therefore be included in Regulation (EEC) No 1360/90 to make Regulation (EC)

No 1049/2001 applicable to the European Training Foundation, as should a provision for appeals against a refusal of access to documents.

- (5) Regulation (EEC) No 1360/90 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1360/90 is hereby amended as follows:

1. The following Article shall be inserted:

*'Article 4a*

**Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Foundation.

2. The Governing Board shall adopt practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1648/2003 amending Regulation (EEC) 1360/90 of 18 June 2003 establishing a European Training Foundation (\*\*).

3. Decisions taken by the Foundation pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down Articles 195 and 230 of the Treaty respectively.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 63.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 131, 23.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1, with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 22.'



2. Article 5(9) shall be replaced by the following:

'9. The Governing Board shall adopt the Foundation's annual report and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The report shall also be forwarded to the Member States and, for information, to the eligible countries.

10. The Foundation shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.'

3. The third indent of Article 7(1) shall be replaced by the following:

'— for the preparation of the draft estimate of the Foundation's revenue and expenditure and the execution of its budget'.

4. Article 10 shall be replaced by the following:

'Article 10

**Budgetary procedure**

1. Each year the Governing Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Foundation for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Governing Board to the Commission by 31 March at the latest.

2. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the 'budgetary authority') together with the preliminary draft general budget of the European Union.

3. The Commission shall examine the estimate, having regard to the vocational training priorities in the eligible countries and to the overall financial orientations on economic aid to these countries. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

It shall establish on this basis, and within the proposed limits of the overall amount to be made available for economic aid to the eligible countries, the annual contribution for the budget of the Foundation to be included in the preliminary draft general budget of the European Union.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Foundation.

The budgetary authority shall adopt the establishment plan for the Foundation.

5. The budget of the Foundation shall be adopted by the Governing Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Governing Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Governing Board within a period of six weeks from the date of notification of the project.'

5. Article 11(2), (3) and (4) shall be replaced by the following:

'2. By 1 March at the latest following each financial year, the Foundation's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Foundation's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Foundation's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Foundation's final accounts under his own responsibility and forward them to the Governing Board for an opinion.

5. The Governing Board shall deliver an opinion on the Foundation's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward these final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Governing Board's opinion.

7. The final accounts shall be published.

8. The Foundation's Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Governing Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.'

been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Foundation's operation and with the Commission's prior consent.

---

(\*) OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

6. Article 12 shall be replaced by the following:

*'Article 12*

*Article 2*

#### **Financial Rules**

The financial rules applicable to the Foundation shall be adopted by the Governing Board after the Commission has

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*  
*The President*  
G. DRYG

---

**COUNCIL REGULATION (EC) No 1649/2003****of 18 June 2003****amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions and repealing Regulation (EEC) No 1417/76**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) Certain provisions of Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup>, (hereinafter referred to as the general Financial Regulation), and in particular Article 185 thereof. Pursuant to that Article, the European Foundation for the Improvement of Living and Working Conditions must adopt financial rules in conformity with Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup>. Consequently, Council Regulation (EEC) No 1417/76 of 1 June 1976 on the financial provisions applying to the European Foundation for the Improvement of Living and Working Conditions <sup>(7)</sup> must be repealed with effect from the entry into force of the financial rules adopted by the Administrative Board of the said Foundation.

- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(8)</sup>.

- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the Agencies and similar bodies should implement rules conforming to those of that Regulation.

- (4) Appropriate provisions should therefore be included in Regulation (EC) No 1365/75 to make Regulation (EC) No 1049/2001 applicable to the European Foundation for the Improvement of Living and Working Conditions, as should a provision on appeals against a refusal of access to documents.

- (5) Regulation (EEC) No 1365/75 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1365/75 is hereby amended as follows:

1. Articles 13, 14, 15 and 16 shall be replaced by the following:

*'Article 13*

1. The Administrative Board shall adopt the annual report on the Foundation's activities and prospects, and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors.

2. The Foundation shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 65.

<sup>(2)</sup> Opinion delivered on 27 March 2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 139, 30.5.1975, p. 1. Regulation as last amended by the 1994 Act of Accession.

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003, p. 39.

<sup>(7)</sup> OJ L 164, 24.6.1976, p. 16. Regulation as last amended by Regulation (EC) No 1949/93 (OJ L 181, 23.7.1993, p. 26).

<sup>(8)</sup> OJ L 145, 31.5.2001, p. 43.

*Article 14*

1. Estimates of all the revenue and expenditure of the Foundation shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Foundation, which shall include an establishment plan.

2. The revenue and expenditure shown in the budget of the Foundation shall be in balance.

*Article 15*

1. Each year the Administrative Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Foundation for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Administrative Board to the Commission by 31 March at the latest.

2. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft general budget of the European Union.

3. On the basis of the estimate the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Foundation.

The budgetary authority shall adopt the establishment plan for the Foundation.

5. The budget of the Foundation shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Administrative Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Administrative Board within a period of six weeks from the date of notification of the project.

*Article 16*

1. The financial rules applicable to the Foundation shall be adopted by the Administrative Board after the Commission has been consulted. They may not depart

from Commission framework Financial Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Foundation's operation and with the Commission's prior consent.

2. The Director shall implement the budget of the Foundation.

3. By 1 March at the latest following each financial year, the Foundation's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

4. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Foundation's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

5. On receipt of the Court of Auditors' observations on the Foundation's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Foundation's final accounts under his own responsibility and submit them to the Administrative Board for an opinion.

6. The Administrative Board shall deliver an opinion on the Foundation's final accounts.

7. The Director shall, by 1 July at the latest following each financial year, forward these final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Administrative Board's opinion.

8. The final accounts shall be published.

9. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Administrative Board.

10. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

11. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director of the Foundation in respect of the implementation of the budget for year N.

(\*) OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003.;

2. The following Article 1 shall be inserted:

*'Article 18a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Foundation.

2. The Administrative Board shall adopt practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1649/2003 of 18 June 2003 amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the improvement of living and

working conditions and repealing Regulation (EEC) No 1417/76 (\*\*).

3. Decisions taken by the Foundation under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 25.'

#### *Article 2*

Regulation (EEC) No 1417/76 shall be repealed with effect from the date of the entry into force of the financial rules adopted by the Administrative Board pursuant to Article 16(1) of Regulation (EEC) No 1365/75.

#### *Article 3*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYG

**COUNCIL REGULATION (EC) No 1650/2003****of 18 June 2003****amending Regulation (EC) No 2100/94 on Community plant variety rights**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) With the entry into force of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(4)</sup>, the concept of centralised *ex ante* financial control was replaced by more modern control and audit systems.
- (2) The Community Plant Variety Office should have control and audit systems comparable with those of the Community institutions.
- (3) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(5)</sup>.
- (4) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those in the said Regulation.
- (5) Appropriate provisions should therefore be included in Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights <sup>(6)</sup> to make Regulation

(EC) No 1049/2001 applicable to the Community Plant Variety Office, as should a provision on a right of appeal against a refusal of access to documents.

- (6) Regulation (EC) No 2100/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

**Article 1**

Regulation (EC) No 2100/94 is hereby amended as follows:

1. The following Article shall be inserted:

*'Article 33a*

**Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Office.

2. The Administrative Council shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1650/2003 of 18 June 2003 amending Regulation (EC) No 2100/94 on Community plant variety rights (\*\*).

3. Decisions taken by the Office pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 28.'

2. Article 111 shall be amended as follows:

(a) The title shall be replaced by the following:

**'Audit and control'**

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 69.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 248, 16.9.2002, p. 1, with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(5)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(6)</sup> OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 2506/95 (OJ L 258, 28.10.1995, p. 3).

(b) Paragraph 111(1) shall be replaced by the following:

‘1. An internal audit function shall be set up within the Office, to be performed in compliance with the relevant international standards. The internal auditor, appointed by the President, shall be responsible to him for verifying the proper operation of budget implementation systems and procedures of the Office.

The internal auditor shall advise the President on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions

of implementation of operations and promoting sound financial management.

The responsibility for putting in place internal control systems and procedures suitable for carrying out his tasks shall lie with the authorising officer.’

*Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYG

---

**COUNCIL REGULATION (EC) No 1651/2003****of 18 June 2003****amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) Certain provisions of Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as 'the general Financial Regulation') <sup>(5)</sup>, and in particular Article 185 thereof.
- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.
- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.
- (4) Appropriate provisions should therefore be included in Regulation (EEC) No 302/93 to make Regulation (EC) No 1049/2001 applicable to the European Monitoring Centre for Drugs and Drug Addiction, together with a provision on appeals against a refusal of access to documents.

- (5) Regulation (EEC) No 302/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 302/93 is hereby amended as follows:

1. The following Article shall be inserted:

*'Article 6a***Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(\*)</sup> shall apply to documents held by the Centre.
2. The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1651/2003 of 18 June 2003 amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction <sup>(\*\*)</sup>.
3. Decisions taken by the Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

<sup>(\*)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(\*\*)</sup> OJ L 245, 29.9.2003, p. 30.'

2. Article 8(5) shall be replaced by the following:

'5. The Management Board shall adopt the annual report on the Centre's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

6. The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.'

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 71.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 36, 12.2.1993, p. 1. Regulation last amended by Council Regulation (EC) No 2220/2000 (OJ L 253, 7.10.2000, p. 1).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.



3. In Article 9(1), the fourth indent shall be replaced by the following:

‘— the preparation of the draft estimate of the Centre's revenue and expenditure and the implementation of the budget,’.

4. Article 11 shall be replaced by the following:

*'Article 11*

### **Drawing up of the budget**

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre.

2. The revenue and expenditure shown in the budget shall be in balance.

3. The Centre's revenue shall, without prejudice to other resources, consist of a subsidy from the Community entered in the general budget of the European Union (Commission Section), payments for services rendered and any financial contributions from the organisations and bodies and non-Community countries mentioned in Articles 12 and 13 respectively.

4. The Centre's expenditure shall include:

- (a) staff remuneration, administrative and infrastructure expenses, and operating costs;
- (b) expenditure in support of the national information networks which form part of the Reitox network and expenditure relating to contracts with the specialised centres.

5. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Centre for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest, together with the Centre's work programme.

6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the 'budgetary authority') together with the preliminary draft general budget of the European Union.

7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Centre.

The budgetary authority shall adopt the establishment plan for the Centre.

9. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.'

5. The following Article shall be inserted:

*'Article 11a*

### **Implementation of the budget**

1. The Director shall implement the budget of the Centre.

2. By 1 March, at the latest, following each financial year, the Centre's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and to the Council.

4. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Centre's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

11. The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Centre's operation and with the Commission's prior consent.

(\*) OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

#### Article 2

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*  
*The President*  
G. DRYG

**COUNCIL REGULATION (EC) No 1652/2003****of 18 June 2003****amending Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 284 and 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

(1) Certain provisions of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, hereinafter referred to as 'the general Financial Regulation' <sup>(5)</sup>, and in particular Article 185 thereof.

(2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EC) No 1035/97 to make Regulation (EC)

No 1049/2001 applicable to the European Monitoring Centre on Racism and Xenophobia and a provision on appeals against a refusal of access to documents.

(5) Regulation (EC) No 1035/97 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1035/97 is hereby amended as follows:

1. Article 2(2) point (g) shall be replaced by the following:

'(g) publish an annual report on the situation regarding racism and xenophobia in the Community, also highlighting examples of good practice, and an annual report on the Centre's own activities;'

2. The following Article shall be inserted:

*'Article 5a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council (of 30 May 2001) regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Centre.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1652/2003 of 18 June 2003 amending Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia (\*\*).

3. Decisions taken by the Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 33.'

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 73.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 151, 10.6.1997, p. 1.

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.

3. Article 8 shall be amended as follows:

(a) in paragraph 3:

(i) point (b) shall be replaced by the following:

‘(b) adopt the two annual reports referred to in Article 2(2)(g) and its conclusions and opinions and forward them to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions; it shall ensure publication of the annual reports referred to in Article 2(2)(g); the annual report on the Centre’s activities shall be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions;’

(ii) point (e) shall be deleted;

(b) the following paragraph 5 shall be inserted:

‘5. The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.’

4. Article 12 shall be replaced by the following:

‘Article 12

**Drawing up of the budget**

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre.

2. The revenue and expenditure shown in the budget of the Centre shall be in balance.

3. The revenue of the Centre shall, without prejudice to other resources, comprise:

(a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);

(b) payments received for services rendered;

(c) any financial contributions from the organisations referred to in Article 7;

(d) any voluntary contribution from the Member States.

4. The expenditure of the Centre shall include staff remuneration, administrative and infrastructure costs, operating expenses and expenses resulting from contracts entered into with the institutions and bodies belonging to the Raxen network or with third parties.

5. Each year the Management Board, on the basis of a draft drawn up by the director, shall produce an estimate of revenue and expenditure for the Centre for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the ‘budgetary authority’) together with the preliminary draft budget of European Union.

7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

8. The budgetary authority shall authorise the appropriations for the subsidy to the Centre.

The budgetary authority shall adopt the establishment plan for the Centre.

9. The budget of the Centre shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.’

5. The following Article shall be inserted:

‘Article 12a

**Implementation of the budget**

1. The Director shall implement the budget of the Centre.

2. By 1 March at the latest following each financial year, the Centre’s accounting officer shall communicate the provisional accounts to the Commission’s accounting officer together with a report on the budgetary and financial management for that financial year. The Commission’s accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and forward them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Centre's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

11. The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Centre's operation and with the Commission's prior consent.

---

(\*) OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

#### Article 2

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

For the Council  
The President  
G. DRYS

**COUNCIL REGULATION (EC) No 1653/2003****of 18 June 2003****amending Regulation (EC) No 40/94 on the Community trade mark**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) With the entry into force of Council Regulation (EC, Euratom) No 1605/02 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(4)</sup>, the concept of centralised *ex ante* financial control was replaced by more modern control and audit systems.
- (2) The Office for Harmonization in the Internal Market should have control and audit systems comparable with those of the Community institutions.
- (3) The general principles and limits governing right of access to the documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(5)</sup>.
- (4) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.
- (5) Appropriate provisions should therefore be included in Regulation (EC) No 40/94 of 20 December 1994 on the Community trade mark <sup>(6)</sup> to make Regulation (EC) No

1049/2001 applicable to the Office for Harmonization in the Internal Market, as should a provision relating to appeals against a refusal of access to documents.

- (6) Regulation (EC) No 40/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

**Article 1**

Regulation (EC) No 40/94 is hereby amended as follows:

1. the following Article shall be inserted:

*'Article 118a*

**Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents <sup>(\*)</sup> shall apply to documents held by the Office.
2. The Administrative Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Regulation (EC) No 1653/2003 of 18 June 2003 amending Regulation (EC) No 40/94 on the Community trade mark <sup>(\*\*)</sup>.
3. Decisions taken by the Office pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

<sup>(\*)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(\*\*)</sup> OJ L 245, 29.9.2003, p. 36.;

2. Article 136 shall be replaced by the following:

*'Article 136*

**Audit and control**

1. An internal audit function shall be set up within the Office, to be performed in compliance with the relevant international standards. The internal auditor, appointed by

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 75.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 248, 16.9.2002, p. 1, with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(5)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(6)</sup> OJ L 11, 14.1.1994, p. 1. Regulation as last amended by Council Regulation (EC) No 3288/94 (OJ L 349, 31.12.1994, p. 83).

the President, shall be responsible to him for verifying the proper operation of budget implementation systems and procedures of the Office.

2. The internal auditor shall advise the President on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions of implementation of operations and promoting sound financial management.

3. The responsibility for putting in place internal control systems and procedures suitable for carrying out his tasks shall lie with the authorising officer.'

#### *Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYG

---

**COUNCIL REGULATION (EC) No 1654/2003****of 18 June 2003****amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

- (1) Certain provisions of Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as 'the general Financial Regulation') <sup>(5)</sup>, and in particular Article 185 thereof.
- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(6)</sup>.
- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.
- (4) Appropriate provisions should therefore be included in Regulation (EC) No 2062/94 to make Regulation (EC) No 1049/2001 applicable to the European Agency for Safety and Health at Work, as should a provision on appeals against a refusal of access to documents.

- (5) Regulation (EC) No 2064/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2062/94 is hereby amended as follows:

1. Article 6 shall be replaced by the following:

*'Article 6*

**Access to documents**

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Agency.
2. The Administrative Board shall adopt the protocol arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation No 1654/2003 of 18 June 2003 amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work (\*\*).
3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 38.;

2. Article 10(2) shall be replaced by the following:

'2. The Administrative Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors, the Member States and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 77.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 216, 20.8.1994, p. 1. Regulation as amended by Regulation (EC) No 1643/95 (OJ L 156, 7.7.1995, p. 1).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 145, 31.5.2001, p. 43.



3. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.’;

3. Articles 13, 14 and 15 shall be replaced by the following:

#### *‘Article 13*

#### **Draft estimate — Adoption of the budget**

1. Each year the Administrative Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Agency for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Administrative Board to the Commission by 31 March at the latest.

2. The estimate shall be forwarded by the Commission to the European Parliament and to the Council (hereinafter referred to as the ‘budgetary authority’) together with the preliminary draft general budget of the European Union.

3. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.

The budgetary authority shall adopt the establishment plan for the Agency.

5. The budget of the Agency shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Administrative Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budget authority has notified its intention to deliver an opinion, it shall forward its opinion to the Administrative Board within a period of six weeks from the date of notification of the project.

#### *Article 14*

#### **Implementation of the budget**

1. The Director shall implement the budget of the Agency.

2. By 1 March at the latest following each financial year, the Agency’s accounting officer shall communicate the provisional accounts to the Commission’s accounting officer together with a report on the budgetary and financial management for that financial year. The Commission’s accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission’s accounting officer shall forward the Agency’s provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and to the Council.

4. On receipt of the Court of Auditors’ observations on the Agency’s provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Agency’s final accounts under his own responsibility and submit them to the Administrative Board for an opinion.

5. The Administrative Board shall deliver an opinion on the Agency’s final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Administrative Board’s opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Administrative Board.

9. The Director shall submit to the European Parliament, at the latter’s request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

*Article 15***Financial regulation**

The financial rules applicable to the Agency shall be adopted by the Administrative Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for

the Agency's operation and with the Commission's prior consent.

(\*) OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

*Article 2*

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYG

**COUNCIL REGULATION (EC) No 1655/2003****of 18 June 2003****amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training and repealing Regulation (EEC) No 1416/76**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

(1) Certain provisions of Council Regulation (EC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (hereinafter referred to as 'the general Financial Regulation'), and in particular Article 185 thereof. Pursuant to that Article, the European Centre for the Development of Vocational Training must adopt financial rules in conformity with Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup>. Consequently, Council Regulation (EEC) No 1416/76 of 1 June 1976 on the financial provision applying to the European Centre for the Development of Vocational Training <sup>(7)</sup> must be repealed with effect from the entry into force of the financial rules adopted by the Management Board of the Centre.

(2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the

Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(8)</sup>.

(3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to those of that Regulation.

(4) Appropriate provisions should therefore be included in Regulation (EEC) No 337/75 to make Regulation (EC) No 1049/2001 applicable to the European Centre for the Development of Vocational Training, as should a provision on appeals against a refusal of access to documents.

(5) Regulation (EEC) No 337/75 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 337/75 is hereby amended as follows:

1. Articles 10, 11, 12 and 12a shall be replaced by the following:

*'Article 10*

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre, which shall include an establishment plan.

2. The revenue and expenditure shown in the budget shall be in balance.

*Article 11*

1. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Centre for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 82.

<sup>(2)</sup> Opinion delivered on 27.3.2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 39, 13.2.1975, p. 1. Regulation as last amended by Regulation (EC) No 354/95 (OJ L 41, 23.2.1995, p. 1).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1, with Corrigendum in OJ L 25, 30.1.2003, p. 43.

<sup>(6)</sup> OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.

<sup>(7)</sup> OJ L 164, 24.6.1976, p. 1. Regulation as last amended by Regulation (EEC) No 1948/93 (OJ L 181, 23.7.1993, p. 15).

<sup>(8)</sup> OJ L 145, 31.5.2001, p. 43.

2. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as 'the budgetary authority') together with the preliminary draft general budget of the European Union.

3. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Centre.

The budgetary authority shall adopt the establishment plan for the Centre.

5. The budget of the Centre shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

#### Article 12

1. The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for the Centre's operation and with the Commission's prior consent.

#### Article 12a

1. The Director shall implement the budget of the Centre.

2. By 1 March at the latest following each financial year, the Centre's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and to the Council.

4. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Centre's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

(\*) OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

2. the following Article shall be inserted:

#### 'Article 12b

1. The Management Board shall adopt the annual report on the Centre's activities and prospects, and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Economic and Social Committee and to the Court of Auditors.

2. The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.’;

3. a new Article shall be inserted:

‘Article 14a

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (\*) shall apply to documents held by the Centre.

2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1655/2003 of 18 June 2003 amending Regulation (EC) No 337/75 establishing a European Centre for the Development of Vocational Training and repealing Regulation (EEC) No 1416/76 (\*\*).

3. Decisions taken by the Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under Articles 195 and 230 of the Treaty respectively.

(\*) OJ L 145, 31.5.2001, p. 43.

(\*\*) OJ L 245, 29.9.2003, p. 41.’

#### Article 2

Regulation (EEC) No 1416/76 shall be repealed with effect from the date of entry into force of the financial rules adopted by the Management Board pursuant to Article 12(1) of Regulation (EEC) No 337/75.

#### Article 3

This Regulation shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 18 June 2003.

*For the Council*

*The President*

G. DRYG

---

(Acts adopted pursuant to Title VI of the Treaty on European Union)

## COUNCIL DECISION 2003/659/JHA

of 18 June 2003

**amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Articles 31 and 34(2)(c) thereof,

Having regard to the initiative from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Whereas:

(1) Eurojust is a body established under the Treaty on European Union which actually receives a subsidy charged to the general budget of the European Union. Consequently, Eurojust expenditure financed by the general budget is managed in accordance with the Community rules and procedures applicable to the general budget of the European Union in conformity with Article 41(4) of the Treaty on European Union.

(2) Under these conditions, certain provisions of Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime <sup>(4)</sup> should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as 'the general Financial Regulation') <sup>(5)</sup>.

(3) Decision 2002/187/JHA should therefore be amended,

<sup>(1)</sup> OJ C 331 E, 31.12.2002, p. 67.

<sup>(2)</sup> Opinion delivered on 27 March 2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 285, 21.11.2002, p. 4.

<sup>(4)</sup> OJ L 63, 6.3.2002, p. 1.

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.

### Article 1

Decision 2002/187/JHA is hereby amended as follows:

1. Articles 35, 36 and 37 shall be replaced by the following:

#### 'Article 35

#### **Drawing up of the budget**

1. Each year the College, on the basis of a draft drawn up by the Administrative Director, shall produce an estimate of revenue and expenditure for Eurojust for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the College to the Commission by 31 March at the latest.

2. On the basis of the estimate, the Commission shall propose in the preliminary draft general budget of the European Union the amount of the annual subsidy as well as the posts of a permanent or temporary nature and submit this proposal to the budgetary authority in accordance with Article 272 of the Treaty.

3. The budgetary authority shall authorise the appropriations for the subsidy to Eurojust and determine the posts of a permanent or temporary nature within the framework of the Staff Regulations of officials and other Servants of the European Communities.

4. Before the beginning of the financial year, the College of Eurojust shall adopt the budget, including the establishment plan referred to in Article 34(1), third sentence, on the basis of the annual subsidy and posts authorised by the budgetary authority in accordance with paragraph 3 of this Article, adjusting it to the various contributions granted to Eurojust and the funds from other sources.

### Article 36

#### **Implementation of the budget and discharge**

1. The Administrative Director shall, as authorising officer, implement the Eurojust budget. He shall report to the College on the implementation of the budget.

2. By 1 March at the latest following each financial year, the accounting officer of Eurojust shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward Eurojust's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be forwarded to the European Parliament and the Council.

4. On receipt of the Court of Auditors' observations on Eurojust's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Administrative Director shall draw up Eurojust's final accounts under his own responsibility and submit them to the College of Eurojust for an opinion.

5. The College of Eurojust shall deliver an opinion on Eurojust's final accounts.

6. The Administrative Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the College of Eurojust's opinion.

7. The final accounts shall be published.

8. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the College of Eurojust.

9. The Administrative Director, acting under the authority of the College of Eurojust and its President, shall submit to the European Parliament at the latter's request any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Administrative Director in respect of the implementation of the budget for year N.

#### Article 37

#### Financial regulation applicable to the budget

1. The financial rules applicable to Eurojust's budget shall be adopted unanimously by the College after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (\*) unless specifically required for Eurojust's operation and with the Commission's prior consent.

(\*) OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003, p. 39.'

2. Article 38(1) shall be replaced by the following:

'1. The responsibility for putting in place internal control systems and procedures suitable for carrying out his tasks shall lie with the authorising officer.'

#### Article 2

This Decision shall enter into force on the first day of the month following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS

## DECLARATIONS CONCERNING ALL OF THE PRECEDING ACTS

### 1. **Statement by the European Parliament, the Council and the Commission**

The European Parliament, the Council and the Commission would point out that the budget of the bodies referred to in Article 185 of the Financial Regulation may include a financial contribution from the host Member State.

### 2. **Statement**

It is highly desirable that the competent bodies make every endeavour to settle the question of the definitive location of the new agencies as early as possible.

### 3. **Statement by the European Parliament and the Council**

The European Parliament and the Council request that the Commission, in the event of revision of the Framework Financial Regulation for the bodies referred to in Article 185 of the General Financial Regulation, should first consult the European Parliament, the Council and the Court of Auditors. The Commission undertakes to submit its draft to them for their opinion.

---