



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.04.1998  
COM(1998) 289 final

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97/ 0256 (CNS)  
97/ 0258 (CNS)  
97/ 0259 (CNS)  
97/ 0260 (CNS)  
97/ 0261 (CNS)  
97/ 0262 (CNS)

AMENDED PROPOSALS FOR

COUNCIL REGULATIONS (EC)

amending the basic regulations of certain decentralised Community agencies

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)



## EXPLANATORY MEMORANDUM

1. On 16 October 1997,<sup>1</sup> the Commission approved a proposal for the amendment of the basic regulations of nine decentralised Community agencies with a view to subjecting them to the highest levels of public accountability and openness.

The European Parliament gave its opinion on the proposal at its part-session of 9-13 March, voting through a number of amendments, some of which the Commission can accept.<sup>2</sup>

The Economic and Social Committee was consulted in accordance with Article 130s of the Treaty on the amendment to Council Regulation (EC) No 1210/90 of 7 May 1990, on the setting up of the European Environment Agency and the European Environment Information and Observation Network,<sup>3</sup> and gave its approval at its meeting of 28-29 January 1998.

2. To summarise, those amendments which the Commission can approve relate to the granting of discharge to the decentralised Community agencies and to the Commission's Financial Controller acting as the agencies' financial controller.
3. However, the Commission cannot support Parliament's amendments on own resources or on any surplus agency revenues.

The Commission cannot accept the incorporation of all of the agencies' revenues into the Community budget and the right to evaluate their level of fees. The Commission wishes to preserve the management autonomy of the agencies and considers that there is no need to change the system of setting fees or charges for certain agencies.

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In accordance with Article 189a (2) of the EC Treaty, therefore, the Commission has drawn up the following amended proposals.

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<sup>1</sup> COM (97) 489 final.

<sup>2</sup> OJ .....

<sup>3</sup> The Economic and Social Committee was only consulted about the amendment of the Regulation on the European Environment Agency, the legal basis for which is Article 130s of the Treaty. The legal basis for all the other regulations is Article 235 of the EC Treaty.

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....)  
of (.....) AMENDING COUNCIL REGULATION (EC) No 40/94 OF 20  
DECEMBER 1993 ON THE COMMUNITY TRADE MARK

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>4</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>5</sup></p> <p>Whereas, on 20 December 1993, the Council adopted Regulation (EC) No 40/94 on the Community trade mark;<sup>6</sup></p> <p>Whereas the Office for Harmonization in the Internal Market ("the Office") established by the aforesaid Regulation may not be regarded as a profit-making organisation;</p> <p>Whereas, since the Office is a body governed by Community law, provision should be made for any resources remaining after the constitution, where appropriate, of a reserve to cover future expenditure and after any revision of the fees charged by the Office to be paid into the general budget of the European Communities;</p>	

<sup>4</sup> (.....)

<sup>5</sup> (.....)

<sup>6</sup> OJ L 11, 14.1.1994, p.1.

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

Whereas the entering of amounts in the said reserve should be made subject to the agreement of the Commission, and whereas the Commission should inform the Council and Parliament of its decisions in this respect;

Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised, particularly in the matter of the controls to which the Office is subject;

Whereas the Commission's Financial Controller is the person best placed to perform the tasks of Financial Controller of the Office;

Whereas it is desirable to involve the European Parliament in the discharge procedure,

AMENDED PROPOSAL

Whereas it is a prerequisite to involve the European Parliament in the discharge procedure, pursuant to Article 206 of the EC Treaty;

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

HAS ADOPTED THIS REGULATION:

**Article 1**

1. The following paragraph is added to Article 134 of Regulation (EC) No 40/94:

“4. Any revenue surplus to expenditure during a particular financial year shall, after account has been taken of the decrease in the Community subsidy, be entered in the general budget of the European Communities as miscellaneous revenue. However, the Budget Committee may authorise the establishment of a reserve to cover future expenditure. Amounts may be entered in the said reserve only with the agreement of the Commission, after Parliament has been consulted.”

2. Article 136 is replaced by the following:

“Control of commitment and payment of all expenditure and control of the existence and recovery of all revenue of the Office shall be carried out by the Commission’s Financial Controller.”

AMENDED PROPOSAL

2. Article 136 is replaced by the following:

“To ensure a maximum of transparency and harmonisation between the decentralised agencies, control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission’s Financial Controller.”

**INITIAL PROPOSAL**  
(COM(97) 489 final of 6.10.1997)

3. Article 137(2) is replaced by the following:

“The Budget Committee shall, on the recommendation of the European Parliament, give a discharge to the President of the Office in respect of the implementation of the budget.”

**Article 2**

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council  
The President

**AMENDED PROPOSAL**

3. Article 137(2) is replaced by the following:

“The Budget Committee shall, after the European Parliament has made its recommendation, give a discharge to the President of the Office in respect of the implementation of the budget.”

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....)  
of (.....) AMENDING COUNCIL REGULATION (EC) No 2100/94 OF 27 JULY  
1994 ON COMMUNITY PLANT VARIETY RIGHTS

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>7</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>8</sup></p> <p>Whereas, on 27 July 1994, the Council adopted Regulation (EC) No 2100/94 on Community plant variety rights;<sup>9</sup></p> <p>Whereas the Community Plant Variety Office ("the Office") established by the aforesaid Regulation may not be regarded as a profit-making organisation;</p>	

<sup>7</sup> (.....)

<sup>8</sup> (.....)

<sup>9</sup> OJ L 227, 1.9.1994, p.1.

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

Whereas, since the Office is a body governed by Community law, provision should be made for any resources remaining after the constitution, where appropriate, of a reserve to cover future expenditure and after any revision of the fees charged by the Office to be paid into the general budget of the European Communities;

Whereas the entering of amounts in the said reserve should be made subject to the agreement of the Commission, and whereas the Commission should inform the Council and Parliament of its decisions in this respect;

Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised, particularly in the matter of the controls to which the Office is subject;

Whereas the Commission's Financial Controller is the person best placed to perform the tasks of Financial Controller of the Office;

Whereas it is desirable to involve the European Parliament in the discharge procedure,

AMENDED PROPOSAL

Whereas it is a prerequisite to involve the European Parliament in the discharge procedure, pursuant to Article 206 of the EC Treaty;

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

HAS ADOPTED THIS REGULATION:

**Article 1**

1. The following paragraph is added to Article 108 of Regulation (EC) No 2100/94:

“5. Any revenue surplus to expenditure during a particular financial year shall, after account has been taken of the decrease in the Community subsidy, be entered in the general budget of the European Communities as miscellaneous revenue. However, the Budget Committee may authorise the establishment of a reserve to cover future expenditure. Amounts may be entered in the said reserve only with the agreement of the Commission, after Parliament has been consulted.”

2. In Article 111:

(a) paragraph 1 is replaced by the following:

“Control of commitment and payment of all expenditure and control of the existence and recovery of all revenue of the Office shall be carried out by the Commission’s Financial Controller.”;

AMENDED PROPOSAL

2. In Article 111:

(a) paragraph 1 is replaced by the following:

“To ensure a maximum of transparency and harmonisation between the decentralised agencies, control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission’s Financial Controller.”

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

(b) paragraph 3 is replaced by the following:

“The Administrative Council shall, on the recommendation of the European Parliament, give a discharge to the President of the Office in respect of the implementation of the budget.”

**Article 2**

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council  
The President

AMENDED PROPOSAL

(b) paragraph 3 is replaced by the following:

“The Administrative Council shall, after of the European Parliament has made its recommendation, give a discharge to the President of the Office in respect of the implementation of the budget.”

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....) of  
 (.....) AMENDING 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

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>10</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>11</sup></p> <p>Whereas, on 22 July 1993, the Council adopted 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 Agency”);<sup>12</sup></p> <p>Whereas the Agency may not be regarded as a profit-making organisation;</p>	

<sup>10</sup> (.....)

<sup>11</sup> (.....)

<sup>12</sup> OJ L 214, 24.8.1993, p.1.

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

Whereas, since the Office is a body governed by Community law, provision should be made for any resources remaining after the constitution, where appropriate, of a reserve to cover future expenditure and after any revision of the fees charged by the Office to be paid into the general budget of the European Communities;

Whereas the entering of amounts in the said reserve should be made subject to the agreement of the Commission and whereas the Commission should inform the Council and Parliament of its decisions in this respect;

Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised, particularly in the matter of the controls to which the Agency is subject;

Whereas the Commission's Financial Controller is the person best placed to perform the tasks of Financial Controller of the Agency;

Whereas it is desirable to involve the European Parliament in the discharge procedure,

AMENDED PROPOSAL

Whereas it is a prerequisite to involve the European Parliament in the discharge procedure, pursuant to Article 206 of the EC Treaty;

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>HAS ADOPTED THIS REGULATION:</p> <p style="text-align: center;"><b>Article 1</b></p> <p>In Article 57 of Regulation (EEC) No 2309/93</p> <p>(a) The following paragraph 6a is inserted after paragraph 6:</p> <p>“6a. Any revenue surplus to expenditure during a particular financial year shall, after account has been taken of the decrease in the Community subsidy, be entered in the general budget of the European Communities as miscellaneous revenue. However, the Budget Committee may authorise the establishment of a reserve to cover future expenditure. Amounts may be entered in the said reserve only with the agreement of the Commission, after Parliament has been consulted.”</p> <p>(b) Paragraph 8 is replaced by the following:</p> <p>“8. Control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission’s Financial Controller.”</p>	<p>(b) Paragraph 8 is replaced by the following:</p> <p>“8. <u>To ensure a maximum of transparency and harmonisation between the decentralised agencies</u>, control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission’s Financial Controller.”</p>

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>(c) The second subparagraph of paragraph 9 is replaced by the following:</p> <p>“The Court of Auditors shall examine the balance sheet in accordance with Article 188c of the Treaty.”</p> <p>(d) Paragraph 10 is replaced by the following:</p> <p>“10. The Management Board shall, on the recommendation of the European Parliament, give a discharge to the Director of the Agency in respect of the implementation of the budget.”</p> <p style="text-align: center;"><b>Article 2</b></p> <p>This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p style="text-align: right;"><b>For the Council The President</b></p>	<p>(d) Paragraph 10 is replaced by the following:</p> <p>“10. The Management Board shall, <u>after the European Parliament has made its recommendation</u>, give a discharge to the Director of the Agency in respect of the implementation of the budget.”</p>

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....) of  
 (.....) AMENDING 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

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 130s thereof,</p> <p>Having regard to the proposal from the Commission,<sup>13</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>14</sup></p> <p>Having regard to the opinion of the Economic and Social Committee,<sup>15</sup></p> <p>Whereas, on 7 May 1990, the Council adopted Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network ("the Agency");<sup>16</sup></p>	

<sup>13</sup> (.....)

<sup>14</sup> (.....)

<sup>15</sup> (.....)

<sup>16</sup> OJ L 120, 11.5.1990, p.1.

INITIAL PROPOSAL  
(COM(97) 489 final of 6.10.1997)

Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised, particularly in the matter of the controls to which the Agency is subject;

Whereas the Commission's Financial Controller is the person best placed to perform the tasks of Financial Controller of the Office;

Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board,

HAS ADOPTED THIS REGULATION:

**Article 1**

In Article 13 of Regulation (EC) No 1210/90:

(a) Paragraph 2 is replaced by the following:

“2. Control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission's Financial Controller.”;

AMENDED PROPOSAL

Whereas it is a prerequisite for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, pursuant to Article 206 of the EC Treaty;

(a) Paragraph 2 is replaced by the following:

“2. To ensure a maximum of transparency and harmonisation between the decentralised agencies, control of commitment and payment of all expenditure and control of the establishment and recovery of all revenue of the Agency shall be carried out by the Commission's Financial Controller

**INITIAL PROPOSAL**  
(COM(97) 489 final of 6.10.1997)

(b) Paragraph 4 is replaced by the following:

“4. The European Parliament shall, on the recommendation of the Management Board, give discharge to the Executive Director in respect of the implementation of the budget.”

**Article 2**

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

**For the Council**  
**The President**

**AMENDED PROPOSAL**

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....)  
of (.....) AMENDING COUNCIL REGULATION (EC) No 2062/94 OF 18 JULY  
1994 ESTABLISHING A EUROPEAN AGENCY FOR SAFETY AND HEALTH AT  
WORK

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>17</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>18</sup></p> <p>Whereas, on 18 July 1994, the Council adopted Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work ("the Agency");<sup>19</sup></p> <p>Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised;</p> <p>Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Administrative Board,</p>	<p>Whereas it is a <u>prerequisite</u> for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, <u>pursuant to Article 206 of the EC Treaty</u>;</p>

<sup>17</sup> (.....)

<sup>18</sup> (.....)

<sup>19</sup> OJ L 216, 20.8.1994, p.1.

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>HAS ADOPTED THIS REGULATION:</p> <p style="text-align: center;"><b>Article 1</b></p> <p>Article 14(4) of Regulation (EC) No 2062/94 is replaced by the following:</p> <p>“4. The European Parliament shall, on the recommendation of the Administrative Board, give discharge to the Director in respect of the implementation of the budget.”</p> <p style="text-align: center;"><b>Article 2</b></p> <p>This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p style="text-align: right;"><b>For the Council The President</b></p>	

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (...) OF (...)  
 AMENDING COUNCIL REGULATION (EEC) No 302/93 OF 8 FEBRUARY 1993,  
 ESTABLISHING A EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG  
 ADDICTION

(presented by the Commission in accordance with Article 189a (2) of the EC Treaty)

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>20</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>21</sup></p> <p>Whereas, on 8 February 1993, the Council adopted Regulation (EEC) No 302/93 establishing a European Monitoring Centre for Drugs and Drug Addiction ("the Centre");<sup>22</sup></p> <p>Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised;</p> <p>Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board,</p>	<p>Whereas it is a <u>prerequisite</u> for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, <u>pursuant to Article 206 of the EC Treaty</u>;</p>

<sup>20</sup> (.....)

<sup>21</sup> (.....)

<sup>22</sup> OJ L 36, 12.2.1993, p.1; as last amended by Council Regulation (EC) No 3294/94 of 22 December 1994 (OJ L 341, 30.12.1994, p.7).

**INITIAL PROPOSAL**  
(COM(97) 489 final of 6.10.1997)

**HAS ADOPTED THIS REGULATION:**

**Article 1**

Article 11(11) of Regulation (EEC) No 302/93 is replaced by the following:

“11. The European Parliament shall, on the recommendation of the Management Board, give a discharge to the Director of the Centre in respect of the implementation of the budget.”

**Article 2**

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council  
The President

**AMENDED PROPOSAL**

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....) of  
 (.....) AMENDING COUNCIL REGULATION (EEC) No 1360/90 OF 7 MAY  
 1990 ESTABLISHING A EUROPEAN TRAINING FOUNDATION

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>23</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>24</sup></p> <p>Whereas, on 7 May 1990, the Council adopted Regulation (EEC) No 1360/90 establishing a European Training Foundation ("the Foundation");<sup>25</sup></p> <p>Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised;</p> <p>Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Governing Board,</p>	<p>Whereas it is a <u>prerequisite</u> for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, <u>pursuant to Article 206 of the EC Treaty</u>;</p>

<sup>23</sup> (.....)

<sup>24</sup> (.....)

<sup>25</sup> OJ L 131, 23.5.1990, p.1; as last amended by Council Regulation (EC) No 2063/94 (OJ L 216, 30.8.1994, p.9).

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>HAS ADOPTED THIS REGULATION:</p> <p style="text-align: center;"><b>Article 1</b></p> <p>Article 11(4) of Regulation (EEC) No 1360/90 is replaced by the following:</p> <p>“4. The European Parliament shall, on the recommendation of the Governing Board, give a discharge to the Director of the Foundation in respect of the implementation of the budget.”</p> <p style="text-align: center;"><b>Article 2</b></p> <p>This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p style="text-align: right;"><b>For the Council The President</b></p>	

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....)  
of (.....) AMENDING COUNCIL REGULATION (EC) No 2965/94 OF 28  
NOVEMBER 1994 SETTING UP A TRANSLATION CENTRE FOR BODIES OF  
THE EUROPEAN UNION

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Article 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>26</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>27</sup></p> <p>Whereas, on 28 November 1994, the Council adopted Regulation (EC) No 2965/94 setting up a Translation Centre for Bodies of the European Union ("the Centre");<sup>28</sup></p> <p>Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised;</p> <p>Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board,</p>	<p>Whereas it is a <u>prerequisite</u> for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, <u>pursuant to Article 206 of the EC Treaty</u>;</p>

<sup>26</sup> (.....)

<sup>27</sup> (.....)

<sup>28</sup> OJ L 314, 7.12.1994, p.1; as last amended by Council Regulation (EC) No 2610/95 of 30 October 1995 (OJ L 268, 10.11.1995, p.1).

INITIAL PROPOSAL	AMENDED PROPOSAL
<p data-bbox="284 230 724 264">(COM(97) 489 final of 6.10.1997)</p> <p data-bbox="225 297 746 331">HAS ADOPTED THIS REGULATION:</p> <p data-bbox="443 365 560 398"><b>Article 1</b></p> <p data-bbox="225 443 783 517">Article 14 (4) of Regulation (EC) No 2965/94 is replaced by the following:</p> <p data-bbox="225 551 783 730">“The European Parliament shall, on the recommendation of the Management Board, give a discharge to the Director of the Centre in respect of the implementation of the budget.”</p> <p data-bbox="475 763 596 797"><b>Article 2</b></p> <p data-bbox="225 831 783 976">This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.</p> <p data-bbox="225 1010 783 1122">This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p data-bbox="225 1223 448 1256">Done at Brussels,</p> <p data-bbox="576 1357 783 1435">For the Council The President</p>	

AMENDED PROPOSAL FOR COUNCIL REGULATION (EC) No (.....)  
of (.....) AMENDING COUNCIL REGULATION (EC) No 1035/97 OF 2 JUNE  
1997 ESTABLISHING A EUROPEAN MONITORING CENTRE ON RACISM AND  
XENOPHOBIA

(presented by the Commission in accordance with Article 189a(2) of the EC Treaty

INITIAL PROPOSAL (COM(97) 489 final of 6.10.1997)	AMENDED PROPOSAL
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community and, in particular, Articles 213 and 235 thereof,</p> <p>Having regard to the proposal from the Commission,<sup>29</sup></p> <p>Having regard to the opinion of the European Parliament,<sup>30</sup></p> <p>Whereas, on 2 June 1997, the Council adopted Regulation (EC) No1035/97 establishing a European Monitoring Centre on Racism and Xenophobia ("the Centre");<sup>31</sup></p> <p>Whereas the financial provisions governing the decentralised agencies established by the Community should be harmonised;</p> <p>Whereas it is desirable for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board,</p>	<p>Whereas it is a <u>prerequisite</u> for the power to grant discharge to be assigned to the European Parliament on the recommendation of the Management Board, <u>pursuant to Article 206 of the EC Treaty</u>;</p>

<sup>29</sup> (.....)

<sup>30</sup> (.....)

<sup>31</sup> OJ L 151, 10.6.1997, p.1.

INITIAL PROPOSAL	AMENDED PROPOSAL
<p data-bbox="295 230 730 259">(COM(97) 489 final of 6.10.1997)</p> <p data-bbox="236 297 754 327">HAS ADOPTED THIS REGULATION:</p> <p data-bbox="456 365 571 394"><b>Article 1</b></p> <p data-bbox="236 443 791 510">Article 12(11) of Regulation (EC) No 1035/97 is replaced by the following:</p> <p data-bbox="236 548 791 728">“11. The European Parliament shall, on the recommendation of the Management Board, give a discharge to the Director of the Centre in respect of the implementation of the budget.”</p> <p data-bbox="488 766 603 795"><b>Article 2</b></p> <p data-bbox="236 833 791 974">This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.</p> <p data-bbox="236 1012 791 1120">This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p data-bbox="236 1227 459 1256">Done at Brussels,</p> <p data-bbox="593 1361 791 1429">For the Council The President</p>	



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