



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.10.1999
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99/0203 (CNS)

Proposal for a

COUNCIL DECISION

**on the conclusion of an agreement between the European Community and the
Kingdom of Norway on the participation of Norway in the work of the
European Monitoring Centre for Drugs and Drug Addiction**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 302/93, setting up the European Monitoring Centre for Drugs and Drug Addiction, permits, through its Article 13, the participation of third countries in the Centre. On 5 April 1995, Norway addressed a request to participate to the President of the Management Board of the Centre, and after examination, the Board passed it to the Commission recommending strongly that the request should meet with a positive response.
2. The recommendation of the Management Board of the Centre stressed that Norway's participation would be advantageous to its work and that Norway be granted the appropriate status in relation to its institutional participation.
3. On 18 July 1997, the Council adopted directives instructing the Commission to negotiate an agreement with Norway. These contained the following conditions.

“The agreement shall contain provisions on Norway's participation, including administrative participation, in the European Monitoring Centre for Drugs and Drug Addiction, subject to adequate safeguards for the security of the EU decision-making process. It shall also contain equitable financial provisions for a contribution by Norway to the funding of the Centre, and provisions concerning Norway's participation in Reitox, rules on data protection in relation to Norway, rules on legal personality and on the privileges and immunities of the Centre in relation to Norway, as well as on the jurisdiction of the Court of Justice in relation to Norway.”
4. The draft agreement was initialled on 21 July 1999. The Council is now requested to adopt the attached proposal for a Council Decision on the conclusion of an agreement between the European Community and the Kingdom of Norway on the participation of the latter in the European Monitoring Centre for Drugs and Drug Addiction.
5. The estimated cost of additional work in the Centre when set against the contribution of Norway to the budget will result in no extra charge on the budget of the Union.

Proposal for a

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on the conclusion of an agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the 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 in conjunction with the second sentence of the first sub-paragraph of Article 300 (2) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction³, as amended by Regulation (EC) No 3294/94⁴, provides, in its Article 13, that the Centre is to be open to the participation of non-Community countries which share the Community's interests and those of its Member States in the Centre's objectives and work.
- (2) The agreement between the Community and Norway on the participation of the latter in the European Monitoring Centre for Drugs and Drug Addiction, negotiated, on behalf of the European Community, by the Commission should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction is approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

¹ OJ C

² OJ C

³ OJ L 36, 12.2.1993, p. 1.

⁴ OJ L 341, 30.12.1994, p. 7.

Article 2

The President of the Council is authorized to designate the person who shall be empowered to sign the Agreement in order to bind the Community and to give the notification by means of the diplomatic note provided for in Article 12 of the Agreement.

Done at Brussels,

For the Council
The President

Draft

Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction

THE CONTRACTING PARTIES,

Aware of the need for international cooperation to combat the threat of drugs and drug addiction in society;

Reaffirming the very close cultural, commercial and social links historically established between the European Union and Norway, especially the economic, political and juridical links established through the European Economic Area Agreement;

Considering that the European Community concluded, by Decision 90/611/EEC¹, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, hereinafter referred to as the “Vienna Convention”, and deposited a declaration of competence regarding Article 27 thereof²; and considering that Norway ratified the Vienna Convention on 14 November 1994;

Considering that the European Community has established, by Council Regulation (EEC) No 302/93³ (“the Regulation”), the European Monitoring Centre for Drugs and Drug Addiction (“the Centre”);

Whereas the Regulation provides in its Article 13 that the Centre shall be open to the participation of those non-Community countries which share the Community’s interests and those of its Member States; whereas Norway has made a request to participate;

Whereas Norway shares in the aims and objectives laid down for the Centre in the Regulation;

Whereas Norway subscribes to the description of the tasks of the Centre and to its work method and priority areas as described in the Regulation;

Whereas there exists in Norway an institution suitable to be linked to the European Information Network on Drugs and Drug Addiction;

¹ OJ L 326, 24. 11.1990, p. 56.

² OJ L 326, 24.11.1990, p. 57.

³ OJ L 36, 12.2.1993, p. 1.

HAVE DECIDED TO CONCLUDE THE FOLLOWING AGREEMENT:

Article 1

Norway shall participate fully in the work of the Centre, on the terms set out in this Agreement.

Article 2

European Information Network on Drugs and Drug Addiction (Reitox)

1. Norway shall be linked to the European Information Network on Drugs and Drug Addiction (Reitox).
2. Norway shall notify the Centre of the main elements of its national information network within 28 days of the entry into force of this Agreement, including its national monitoring centre, and name any other specialised centres which could make a useful contribution to the Centre's work.
3. A specialised centre shall be designated in Norway as a national focal point, by a unanimous decision of the members of the Management Board.

Article 3

Management Board

The Management Board of the Centre shall invite a representative of Norway to participate in its meetings. The representative shall participate fully without the right to vote. Nevertheless, the Management Board may convoke exceptionally a meeting restricted to representatives of Member States and of the European Commission on issues of interest particular to the Community and its Member States.

The Management Board, in session with representatives of Norway, will lay down the detailed arrangements concerning the participation of Norway in the work of the Centre.

Article 4

Scientific Committee

The Management Board of the Centre shall invite a representative of Norway to participate fully in the meetings of the Scientific Committee without the right to vote.

Article 5

Budget

Norway will make a payment to the Centre equivalent to 5.5% of the European Union's subsidy excluding the subsidy to the National focal points of the Reitox network.

Article 6

Protection and confidentiality of data

1. Where on the basis of this Agreement personal data which do not enable natural persons to be identified are forwarded by the Centre to Norwegian authorities in accordance with national law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority.
2. Data on drugs and drug addiction provided to the Norwegian authorities by the Centre may be published subject to compliance with Community and Norwegian rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.
3. Designated specialised centres in Norway shall be under no obligation to provide information classified as confidential under Norwegian legislation.
4. In relation to data supplied by the Norwegian authorities to the Centre, the latter will be bound by the rules laid down in Article 6 of the Regulation.

Article 7

Legal status

The Centre shall have legal personality under Norwegian law and shall enjoy in Norway the most extensive legal capacity accorded to legal persons under Norwegian law.

Article 8

Liability

The liability of the Centre shall be governed by the rules laid down in Article 16 of the Regulation.

Article 9

Court of Justice

Norway recognises the jurisdiction of the Court of Justice of the European Communities over the Centre, as laid down in Article 17 of the Regulation.

Article 10

Privileges

Norway shall grant privileges and immunities to the Centre equivalent to those contained in the Protocol on the Privileges and Immunities of the European Communities.

Article 11

Staff Regulations

By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, Norwegian nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Centre.

Article 12

Entry into force

This Agreement shall enter into force on the first day of the second month following the date of receipt of the latter diplomatic note confirming that legal requirements of the respective Contracting Party concerning the entry into force of the Agreement have been fulfilled.

Article 13

Validity and termination

1. This agreement is concluded for an unlimited period.
2. Either Contracting Party may denounce this Agreement by a written notification to the other Contracting Party. The Agreement shall cease to be in force twelve months after the date of such notification.

Declaration by the Commission of the European Communities

The Commission will invite the European Monitoring Centre for Drugs and Drug Addiction, while preparing the budget, to take the fullest account of the comments made by Norway concerning its own contribution.