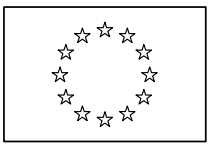

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.08.2005
COM(2005) 399 final

2005/0166 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the European Monitoring Centre for Drugs and Drug Addiction

(recast)

(presented by the Commission)

EXPLANATORY MEMORANDUM

(1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Council Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction has been amended three times. New amendments are needed in order in particular to extend the Centre's role to include the examination of new trends in drug use involving the combination of licit and illicit psychoactive substances, to adapt the operation of the Centre's Management Board to take account of enlargement. It therefore seemed appropriate to recast the Regulation, in the interests of clarity.

- **General context**

In late 2003, the Commission presented a recast proposal for Council Regulation (EEC) No 302/93 (COM(2003)808). The legal basis chosen was article 308, the same used in the EMCCDA founding regulation.

The European Parliament was consulted and delivered an Opinion in April 2004.

After several months of discussions in the relevant Council Working Party (Horizontal Drugs Group) it was decided to change the legal basis of the proposal to article 152, which implies co-decision procedure.

In order to allow proper consultation of the European Parliament, the Commission decided to present a new recast proposal.

This proposal cancels and replaces the former Commission proposal.

- **Existing provisions in the area of the proposal**

Council Regulation (EEC) No 302/93 and its three amending regulations that are being recasted.

- **Consistency with other policies and objectives of the Union**

This regulation is consistent with other policies and objectives of the Union.

(2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Not relevant.

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

There was no impact assessment.

This proposal constitutes a recast of an existing regulation.

(3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposed amendments can be divided into the following categories:

- those designed to boost the Centre's role, in particular to take account of new drug use patterns, and to enable the Centre to develop tools and instruments to facilitate the Member States' and the Community's monitoring and evaluation of their respective drugs policies and strategies.

- those designed to adapt the operation of the EMCDDA's bodies in order to take account of enlargement. The Regulation sets up an Executive Committee to assist the Management Board.

- those designed to bring into line the EMCDDA Regulation with the Commission's draft interinstitutional agreement on a framework for European regulatory agencies (COM(2005)59).

- those codifying the three amendments to the basic Regulation already adopted by the Council. The first amendment introduced by Council Regulation (EC) No 3294/94 of 22 December 1994 and the last introduced by Council Regulation (EC) No 1651/2003 of 18 June 2003 relate to the harmonisation of the financial provisions applicable to the decentralised Community bodies. The second amendment introduced by Council Regulation (EC) No 2220/2000 of 28 September 2000 extended the EMCDDA's remit, allowing it, at the request of the Commission of the European Communities, to provide technical assistance to the candidate countries.

- those designed to remove a number of uncertainties which emerged when the initial Regulation was applied. In particular, this concerns the reference to the Reitox focal points, instead of the specialised centres.

- **Legal basis**

The legal basis chosen is article 152, according to which the Community shall complement the Member States' action in reducing drugs-related health damage, including information and prevention.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason(s).

The Centre's objective is to provide the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.

Comparable data at European level is easier to achieve through a body with European dimension.

Community action will better achieve the objectives of the proposal for the following reason(s).

The collection and dissemination of comparable data at European level is better achieved by the creation of the Centre.

The Centre was established over 10 years ago; the work it has developed in the area clearly demonstrates that EU action is needed.

The Centre has at its disposal the European Information Network on Drugs and Drug Addiction (Reitox), which consists of one focal point for each Member State. The designation of the national focal points is of the exclusive responsibility of the countries concerned. The Centre works primarily on the basis of data supplied by the national focal points.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

This regulation does not go beyond what is necessary to achieve its objective.

The financial and administrative burden is proportionate to the objective of the proposal.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason(s).

The current proposal consists of a recast of the EMCDDA founding Regulation.

(4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

(5) ADDITIONAL INFORMATION

- **Simplification**

The proposal provides for simplification of legislation.

It is a recast of Regulation 302/93 and its amending regulations.

- **Repeal of existing legislation**

The adoption of the proposal will lead to the repeal of existing legislation.

- **Recasting**

The proposal involves recasting

- **Detailed explanation of the proposal**

The Council Regulation contains 25 articles. Some are new; others have been adapted or are unchanged. The recitals have been amended where necessary in accordance with the changes to the body of the Regulation, and with a view to giving concise reasons for the main substantive provisions of the act.

The most significant amendments concern the following articles:

Article 2 lists the tasks of the EMCDDA. It has been adapted: it now stipulates that the EMCDDA's collection, registration and analysis work must also cover data on emerging trends in poly drug use, including the combined use of licit and illicit psychoactive substances. Furthermore, as regards improving the data comparison methodology, it requires the EMCDDA to devise tools and instruments to facilitate the Member States' and the Commission's monitoring and evaluation of their respective drugs policies and strategies. Lastly, the scope of the Centre's technical assistance is extended to all countries authorised by a European Council to take part in Community programmes and agencies.

Article 3 concerns the EMCDDA's priority areas of activity. The Annex relating to this article has been amended and now specifies the following priority areas of activity for the EMCDDA: monitoring the state of the drugs problem and emerging trends, monitoring the solutions applied to drug related problems, assessing the risks of new psychoactive substances and maintaining a rapid information system, and developing tools and instruments to facilitate the Member States' and the Commission's monitoring and evaluation of their respective drugs policies.

Article 5 concerns the European Information Network on Drugs and Drug Addiction (Reitox). It has been adapted in order to give legal status to the Reitox national focal points and to clearly define their functions.

Article 8 concerns the legal status of the Centre. It has been adapted to take account of the fact that the Centre has a seat.

Article 9 concerns the composition and role of the Management Board. It has been amended: the role of vice chairperson is created; the non voting status of the Management Board members representing countries which have concluded agreements pursuant to Article 21 is specified.

Article 10 is a new article setting up an Executive Committee whose main role is to prepare the decisions of the Management Board.

Article 11 sets out the role and responsibilities of the Director. It has been amended to take account of recent Commission guidelines concerning the appointment and extension of the mandate of the Community Agencies Directors. It also states that, upon appointment, the candidate for the post of Director shall be invited to make a statement before the European Parliament. It specifies that the Director is responsible for assessing the Centre's work.

Article 12 is new. It provides for the hearing of the Director before the European Parliament on any subject related to the Centre's activities.

Article 13 relates to the EMCDDA's Scientific Committee. It has been amended to take into account the role it was granted by Council Decision of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances.

Article 16 on combating fraud is new. It stipulates that with regard to combating fraud the provisions of Regulation (EC) No 1073/1999 concerning investigations conducted by OLAF apply to the EMCDDA.

Article 23 on evaluation reports on the EMCDDA's work has been amended. It now requires an external evaluation of the Centre's work, including the Reitox system, to be conducted every six years. On the basis of this evaluation, the Commission may, if appropriate, present proposals with a view to amending the EMCDDA Regulation.

Article 24 is a new Article repealing the basic 1993 EMCDDA Regulation from the day of entry into force of the recasting act.

2005/0166 (COD)

Proposal for a

↓ 302/93 (adapted)
⇨ new

REGULATION (EC) No […] OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of […]

on the ~~establishment of a~~ European Monitoring Centre for Drugs and Drug Addiction

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ~~235~~ ⇨ 152 ⇦ thereof,

Having regard to the proposal from the Commission[1],

Having regard to the opinion of the European Economic and Social Committee[2],

Having regard to the opinion of the Committee of the Regions[3],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[4],

Whereas:

↓

(1) Council Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction[5] has been substantially amended several times[6]. Since further amendments are to be made, it should be recast in the interests of clarity.

↓ 302/93

~~Whereas , at its meeting in Dublin on 25 and 26 June 1990, the European Council:~~

1 OJ C […], […], p. […].
2 OJ C […], […], p. […].
3 OJ C […], […], p. […].
4 OJ C […], […], p. […].
5 OJ L 36, 12.2.1993, p. 1, as last amended by Council Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).
6 See Annex II.

~~– ratified the «Guidelines for a European Plan to Combat Drugs» submitted to it by the European Committee to Combat Drugs (Celad), and in particular the recommendation that «a study be conducted by experts on the existing sources of information, their reliability and their usefulness, and on the need for and possible scope of a European Drugs Monitoring Centre and the financial implications of setting up such a Centre, on the understanding that the brief of this Centre would cover not only the social and health aspects but also other drugs-related aspects, including trafficking and repression»,~~

~~– stressed that it was the responsibility of each Member State to develop an appropriate drug demand reduction programme and considered that effective action by each Member State, supported by joint action of the Twelve and the Community, should be a main priority over the coming years;~~

↓ 302/93 Recital 1 (adapted)

~~Whereas the findings of the feasibility study on the Centre and the European Plan to Combat Drugs submitted to the Rome European Council on 13 and 14 December 1990 should be borne in mind;~~

↓ 302/93 Recital 2 (adapted)

(2) The European Council, at its meeting in Luxembourg on 28 and 29 June 1991, ~~«~~approved the setting up of a European Drugs Monitoring Centre~~»~~; ⌦ with Regulation (EEC) N° 302/93 the European Monitoring Centre for Drugs (EMCDDA) was established ⌫ ~~on the understanding that the practical arrangements for its implementation, e.g. its size, institutional structure and computer systems, are still to be discussed and instructed Celad to continue work to that end and bring it rapidly to a successful conclusion, in liaison with the Commission and the other relevant political bodies»;~~

↓ 302/93 Recital 3 (adapted)

~~Whereas the European Council, at its meeting in Maastricht on 9 and 10 December 1991, «invited the institutions of the Community to employ all means to ensure that the act setting up the European Drugs Centre could be adopted before 30 June 1992»;~~

↓ 302/93 Recital 4 (adapted)

~~Whereas the Community concluded, by Decision 90/611/EEC[7], 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 thereof[8];~~

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7 ~~OJ No L 326, 24. 11. 1990, p. 56.~~

8 ~~OJ No L 326, 24. 11. 1990, p. 57.~~

↓ 302/93 Recital 5 (adapted)

~~Whereas the Council adopted Regulation (EEC) No 3677/90[9] for the implementation by the Community of the system provided for in Article 12 of the aforementioned Vienna Convention for monitoring trade in certain substances;~~

↓ 302/93 Recital 6 (adapted)

~~Whereas the Council adopted Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering[10], which aims in particular to combat drug trafficking;~~

↓ 302/93 Recital 7

(3) Objective, reliable and comparable information concerning drugs, drug addiction and their consequences is required at Community level to help provide the Community and the Member States with an overall view and thus give them added value when, in their respective areas of competence, they take measures or decide on action to combat drugs.

↓ 302/93 Recital 8

(4) The drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated. Therefore, the Centre should be entrusted with the task of furnishing overall information which will help to provide the Community and its Member States with an overall view of the drug and drug addiction phenomenon. This task should not prejudice the allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand.

⇩ new

(5) By its Decision No 2367/2002/EC of 16 December 2002, the European Parliament and the Council agreed on the Community statistical programme 2003 to 2007, which includes the Community's actions on statistics in the field of health and safety.

(6) Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances[11] sets out the role of the EMCDDA and its Scientific Committee in the rapid information system and in the assessment of the risks of new substances.

(7) Account must be taken of new methods of use, especially poly-drug use where illicit drugs are taken in combination with licit drugs or medication.

9 ~~OJ No L 357, 20. 12. 1990, p. 1. Regulation, as amended by Regulation (EEC) No 900/92 (OJ No L 96, 10. 4. 1992, p. 1).~~

10 ~~OJ No L 166, 28. 6. 1991, p. 77.~~

11 OJ L 127, 20.05.2005, p. 32

(8) Council Resolution of 15 November 2001 on the implementation of the five key epidemiological indicators on drugs[12] encourages Member States to ensure, making use of the national focal points, the availability of comparable information on the five key epidemiological indicators.

(9) It is desirable for the Commission to be able to entrust the EMCDDA directly with the implementation of Community structural assistance projects relating to drug information systems in non-Community countries such as the candidate countries or the countries of the western Balkans which have been authorised by the European Council to participate in Community programmes and agencies.

↓ 302/93 Recital 9 (adapted)

~~Whereas the Centre's organization and working methods must be consistent with the objective nature of the results sought, namely the comparability and compatibility of sources and methods in connection with drug information.~~

↓ 302/93 Recital 10

(10) The information compiled by the Centre will concern priority areas whose content, scope and implementing arrangements should be defined.

↓ 302/93 Recital 11 (adapted)

~~Whereas, during the first three-year period, special attention will be given to demand and demand reduction;~~

↓ 302/93 Recital 12 (adapted)

~~Whereas, in their resolution of 16 May 1989 concerning a European network of health data on drug abuse[13], the Council and the Ministers for Health of the Member States meeting within the Council invited the Commission to take possible initiatives in this area;~~

↓ 302/93 Recital 13 (adapted)

~~Whereas a European information network on drugs and drug addiction should be set up, to be coordinated and led at Community level by the European Drugs Monitoring Centre;~~

↓ 302/93 Recital 14 (adapted)

~~Whereas Convention 108 of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Date (1981) should be taken into account;~~

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[12] CORDROGUE 67 of 15 November 2001.

[13] ~~OJ No C 185, 22. 7. 1989, p. 1.~~

↓302/93 Recital 15

(11) There already exist national, European and international organizations and bodies supplying information of this kind, and the Centre should be able to carry out its tasks in close cooperation with them.

⇩ new

(12) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data[14] applies to the processing of personal data by the Centre.

(13) The general principles and limits governing the right of access to documents, as provided for in Article 255 of the Treaty, were 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[15] and must also be applied in the Community agencies.

↓ 302/93 Recital 16

(14) The Centre must have legal personality.

↓ 302/93 Recital 17 (adapted)

~~Whereas it is necessary to ensure that the Centre carries out its information task and to confer jurisdiction for this purpose on the Court of Justice;~~

↓ 302/93 Recital 18 (adapted)

~~Whereas it is desirable to recognize the possibility of opening the Centre to non-Community countries which share the interest of the Community and the Member States in the attainment of these objectives, under agreements to be concluded between them and the Community;~~

↓ 302/93 Recital 19 (adapted)

~~Whereas this Regulation could, if necessary, be adapted after a three-year period with a view to a decision on the possible extension of the Centre's tasks, taking into account, in particular, the evolution of Community powers;~~

~~Whereas, for the adoption of this Regulation the Treaty provides for no powers to act other than those laid down in Article 235,~~

[14] OJ L 8, 12.1.2001, p. 1.
[15] OJ L 145, 31.5.2001, p. 43.

⇩ new

(15) In view of its size, the Centre's Management Board should be assisted by a Executive Committee.

(16) In order to ensure that the European Parliament is well informed of the state of the drugs phenomenon in the European Union, it must be able to question the Centre's Director.

(17) The Centre's work must be conducted in a transparent fashion and its management must be subject to all existing good governance and anti-fraud rules, in particular Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)[16] and the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) [17] to which the Centre has acceded and adopted the necessary implementing provisions.

(18) An external evaluation of the EMCDDA's work should be conducted on a regular basis, and this Regulation should be adapted accordingly, if needed.

(19) In accordance with the principle of subsidiarity laid down in Article 5 of the Treaty, the objectives of the European Monitoring Centre for Drugs and Drug Addiction cannot be sufficiently achieved by the Member States and can, by reason of the scale or effects of the proposed action, be better achieved at Community level. In accordance with the principle of proportionality laid down in the same Article, this Regulation does not go beyond what is necessary to achieve those objectives.

(20) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

🡻 302/93 (adapted)

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

1. This Regulation establishes the European Monitoring Centre for Drugs and Drug Addiction ~~(EDMC)~~ ⌦ (EMCDDA) ⌫ , hereinafter referred to as «the Centre».

[16] OJ L 136, 31.5.1999, p. 1.
[17] OJ L 136, 31.5.1999, p. 15.

↓ 302/93
⇨ new

2. The Centre's objective is to provide, in the areas referred to in Article ~~4~~3, the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.

3. The statistical, documentary and technical information processed or produced is intended to help provide the Community and the Member States with an overall view of the drug and drug addiction situation when, in their respective areas of competence, they take measures or decide on action. ⇨ The statistical element of this information shall be developed, in collaboration with the relevant statistical authorities, using as necessary the Community Statistical Programme to promote synergy and avoid duplication. ⇦

↓ 2220/2000 Art. 1(1) (adapted)

4. Without prejudice to Article ~~2(D)14~~2(d)(iv), the Centre may not take any measure which ~~in any way~~ goes beyond the sphere of information and the processing thereof.

↓ 302/93

5. The Centre shall not collect any data making it possible to identify individuals or small groups of individuals. It shall refrain from any transmission of information relating to specific named cases.

Article 2

Tasks

In order to achieve the objective set out in Article 1, the Centre shall perform the following tasks within its areas of activity:

~~A.~~ (a) *Collection and analysis of existing data*

↓ 302/93 (adapted)
⇨ new

~~It shall:~~

~~1.~~ (i) collect ⌦ ing ⌫ , register ⌦ ing ⌫ and analys~~e~~ ⌦ ing ⌫ information, including data resulting from research, communicated by Member States as well as that emanating from Community, non-governmental national sources and competent international organizations; ⇨ this collection, registration and analysis work shall also cover data on emerging trends in poly-drug use, including the combined use of licit and illicit psychoactive substances; ⇦

~~2.~~ (ii) ~~carry~~ ⌦ carrying ⌫ out surveys, preparatory studies and feasibility studies, together with any pilot projects necessary to accomplish its tasks; ~~organize~~ ⌦ organizing ⌫ meetings of experts ⌦ , ⌫ ~~and~~ whenever

necessary ~~set~~ ⌦ setting ⌫ up *ad hoc* working parties for the purpose; ~~it shall set~~ ⌦ setting ⌫ up and ~~make~~ ⌦ making ⌫ available open scientific documentation resources and ~~assist~~ ⌦ assisting ⌫ in the promotion of information activities;

~~3.~~ (iii) ~~provide~~ ⌦ providing ⌫ an organizational and technical system capable of supplying information on similar or complementary programmes or action pursued by the Member States;

~~4.~~ (iv) ~~establish and coordinate~~ ⌦ establishing and coordinating ⌫, in consultation and in cooperation with the competent authorities and organizations in the Member States, the network referred to in Article 5;

~~5.~~ (v) ~~facilitate~~ ⌦ facilitating ⌫ exchanges of information between decision-makers, researchers, specialists and those involved in combating drugs in governmental and non-governmental organizations;

🡻 302/93

~~B.~~ (b) *Improvement of data-comparison methods*

🡻 302/93 (adapted)
⇨ new

~~6.~~ (i) ~~ensure~~ ⌦ ensuring ⌫ improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community; ⇨ in particular, the Centre shall develop tools and instruments to facilitate Member States in the monitoring and evaluation of their national policies and the European Commission in monitoring and evaluation of Union policies; ⇦

~~7.~~ (ii) ~~facilitate~~ ⌦ facilitating ⌫ and ~~structure~~ ⌦ structuring ⌫ exchange of information, in terms of both quality and quantity (databases);

🡻 302/93

~~C.~~ (c) *Dissemination of data*

🡻 302/93 (adapted)
⇨ new

~~8.~~ (i) ~~make~~ ⌦ making ⌫ the information produced by it available to the Community, the Member States and competent organizations;

~~9.~~ ~~(ii)~~ ~~ensure~~ ⌦ ensuring ⌫ wide dissemination of work done in each Member State and by the Community itself, and, where appropriate, by non-Community countries or international organizations;

~~10.~~ (iii) ~~ensure~~ ⌦ ensuring ⌫ wide dissemination of reliable non-confidential data, on the basis of data which it gathers ~~it~~ ⌦ the Centre ⌫ shall publish a yearly report on the state of the drugs problem~~;~~ ⌦ , ⌫ ⇨ including data on emerging trends; ⇦

↓ 302/93

~~D.~~ (d) *Cooperation with European and international bodies and organizations and with non-Community countries*

↓ 302/93 (adapted)

~~11.~~ (i) ~~contribute~~ ⌦ contributing ⌫ to improving coordination between national and Community action in its areas of activity;

~~12.~~ (ii) without prejudice to Member States' obligations with regard to transmission of information under the provisions of the United Nations Conventions on drugs, ~~promote~~ ⌦ promoting ⌫ the incorporation of data on drugs and drug addiction gathered in the Member States or emanating from the Community into international monitoring and drug-control programmes, particularly those established by the United Nations Organization and its specialized agencies;

~~13.~~ (iii) ~~cooperate~~ ⌦ cooperating ⌫ actively with the bodies referred to in Article ~~12~~ ⌦ 16 ⌫ ;

↓ 2220/2000 Art. 1.2 amended by Corrigendum, OJ L 121, 1.5.2001, p. 48 (adapted)
⇨ new

~~14.~~ (iv) ~~It may transfer~~ ⌦ transferring ⌫ ~~in applicant countries and in countries eligible for the PHARE programme,~~ at the request of the Commission of the European Communities, ⇨ and with the approval of the Management Board ⇦ its know-how ⇨ in certain non-Community countries such as the candidates for EU accession or the countries of the western Balkans ⇦ and assist in the creation and reinforcement of structural links with the Reitox network and the setting up and the consolidation of the national focal points.

↓ 302/93

Article ~~4~~3

Priority areas of activity

The objectives and tasks of the Centre, as defined in Articles 1 and 2, shall be implemented following the order of priorities indicated in ~~the~~ Annex I.

Article ~~3~~4

302/93 (adapted)

Work ⌦ ing ⌫ method

↓302/93

1. The Centre shall progressively carry out its tasks in the light of the objectives adopted in the three-year and annual work programmes and with due regard to the available resources.

2. In pursuing its activities, the Centre shall, in order to avoid duplication, take account of those already carried out by other existing or future institutions and agencies, notably the European Police Office (Europol), and shall ensure that it adds to their value.

↓302/93 (new)
⇨ new

Article 5

European Information Network on Drugs and Drug Addiction (Reitox)

1. The Centre shall have at its disposal the European Information Network on Drugs and Drug Addiction (Reitox), ~~a computer network forming the infrastructure for collecting and exchanging information and documentation; the network shall make use of, *inter alia*, an autonomous computer system linking the national drug information networks, the specialized centres in Member States and the information systems of the international or European organizations or bodies cooperating with the Centre.~~ ⇨ The network shall consist of one focal point for each Member State and each country which has concluded an agreement pursuant to Article 21 of this Regulation and a focal point for the European Commission. The designation of the national focal points shall be the exclusive responsibility of the countries concerned ⇦

~~2. In order to enable the network to be established as rapidly and efficiently as possible, the Member States shall, with in six months of the entry into force of this Regulation, notify the Centre of the main elements of their national information networks, including where appropriate the national monitoring centres, in the areas of activity mentioned in Article 4 and name any specialized Centres which in their judgment could make a useful contribution to the Centre's work.~~

~~3. The specialized centres shall be designated with the consent of the Member State in whose territory they are located, by a unanimous decision of the members of the management board, as referred to in the second subparagraph of Article 8 (2), for a period not exceeding the duration of each multiannual work programme as referred to in Article 8 (3). This designation shall be renewable.~~

~~4. The Centre may, with the consent of the Member State in whose territory the centres are located, enter into contractual relations, in particular subcontracting arrangements, with governmental or non-governmental specialized centres as referred to in paragraph 3, in order to fulfil any tasks which it may wish to entrust to them. With the consent of the respective~~

~~Member States, it may also enter into contracts, on an *ad hoc* basis and for specific tasks, with bodies which are not part of Reitox.~~

~~5. The allocation of specific tasks to the specialized centres shall appear in the Centre's multiannual programme mentioned in Article 8 (3).~~

⇩ new

2. (a) The national focal points shall form an interface between the participating countries and the Centre. They shall contribute to the establishment of key indicators and data, including guidelines for their implementation with a view to obtaining reliable and comparable information at European Union level. They shall collect and analyse at national level all relevant information on drugs and drug addiction, as well as on policies and solutions applied. In particular, they shall provide data for the five epidemiological indicators specified by the Centre.

(b) Each Member State shall ensure that its representative in the Reitox Network will provide the information set out in Article 4.1 of Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances.

(c) The national focal points may also provide the Centre with information on new trends in the use of existing psychoactive substances and/or new combinations of psychoactive substances which pose a potential risk to public health as well as information on possible public health related measures.

3. The national authorities shall ensure the operation of their focal point for the collection and analysis of data at national level on the basis of guidelines adopted with the Centre.

4. The specific tasks allocated to the national focal points shall appear in the Centre's three-year programme mentioned in Article 9(4).

5 While fully respecting the primacy of the national focal points, and in close cooperation with them, the Centre may have recourse to additional expertise and sources of information in the field of drugs and drug addiction.

🡻 302/93

Article 6

Protection and confidentiality of data

~~1. Where on the basis of this Regulation personal data which do not enable natural persons to be identified are also forwarded to the Centre in accordance with national law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority. This shall apply *mutatis mutandis* where personal data are communicated by the Centre to the competent authorities of the Member States or to international organizations and other European institutions.~~

~~2. Data on drugs and drug addiction provided to or by the Centre may be published subject to compliance with Community and national rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.~~

~~3. Member States and the specialized centres shall be under no obligation to provide information classified as confidential under their national legislation.~~

⇩ new

Regulation (EC) No 45/2001[18] of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data applies to the Centre.

🡻 1651/2003 Art. 1.1 (adapted)

Article ~~6a~~ 7

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~~[19] 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 Drugs Addiction~~[20].

🡻 1651/2003 Art. 1.1

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.

🡻 302/93 (adapted)
⇨ new

Article ~~7~~ 8

Legal status ⇨ and location ⇦

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[18] OJ L 8, 12.01.2001, p.1

[19] ~~OJ L 145, 31.5.2001, p. 43.~~

[20] ~~OJ L 245, 29.9.2003, p. 30.~~

1. The Centre shall have legal personality. It shall enjoy, in each Member State, the most extensive legal status granted to legal persons under their laws; in particular, it may purchase or dispose of movable and immovable property and may institute legal proceedings.

⇩ new

2. The seat of Centre is located in Lisbon.

🡻 302/93 (adapted)

Article ~~8~~ 9

Management Board

🡻 302/93 (adapted)
⇨ new

1. The Centre shall have a management board consisting of one representative from each Member State, two representatives from the Commission ~~and~~ ⌦ , ⌫ two ⇨ independent experts ⇦ ~~scientists particularly qualified~~ ⇨ knowledgeable ⇦ in the field of drugs, designated by the European Parliament ~~on the basis of their particular qualification in that field.~~ ⇨ , as well as one representative from each country which has concluded an agreement pursuant to Article 21 of this Regulation. ⇦

⌦ Each member of the management board shall have one vote, ⌫ ⇨ except for the representatives of the countries which have concluded agreements pursuant to Article 21 of this Regulation which don't have the right to vote. ⇦

⌦ The decisions of the management board shall be taken by a two-thirds majority of the members with a right to vote ⌫ ⇨ , except in the cases provided for in paragraph 6 of this article and in article 20.⇦

Each member of the management board may be assisted or represented by an alternative member. In the absence of the full member, ⌦ who has the right to vote, ⌫ the alternative member may exercise ~~his~~ ⌦ that ⌫ right ~~to vote~~.

🡻 302/93

The management board may call in as non-voting observers representatives of international organizations with which the Centre cooperates in accordance with Article ~~12~~ 20.

🡻 302/93 (adapted)
⇨ new

2. The ~~chairman~~ ⌦ chairperson ⌫ ⇨ and vice-chairperson ⇦ of the management board shall be elected ⇨ among and ⇦ by its members for a three-year period: ~~his~~ ⌦ their ⌫ ~~term~~ ⌦ terms ⌫ of office shall be renewable once. The ~~chairman~~ ⌦ chairperson ⌫ ⇨ and vice-chairperson ⇦ shall take part in the voting. ~~Each member of the management board shall have one vote.~~

~~The decisions of the management board shall be taken by a two-thirds majority of its members, except in the cases referred to in Article 5 (3), for which a unanimous decision by the members is required, and in paragraph 3 of this Article.~~

The management board shall draw up its own rules of procedure.

⇨ 3. The meetings of the Management Board shall be convened by its chairperson.⇦ ~~The management board~~ ⌦ It ⌫ shall ~~meet~~ ⌦ hold an ordinary meeting ⌫ at least once a year. ⇨ The Director shall take part in the meetings of the Management Board, without voting rights, and shall provide the Secretariat. ⇦

~~3~~4. The management board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission ~~and of the Council~~ ⇨ and shall forward it to the European Parliament, the Council and the Commission ⇦. ~~The first three-year programme shall be adopted unanimously, within nine months of the entry into force of this Regulation. The management board, acting by a majority of three-quarters of its members, shall decide whether subsequent three-year programmes are to be adopted by the majority laid down in the second subparagraph of paragraph 2 of this Article or by unanimity.~~

~~4.~~5 Under the three-year work programme, the management board shall each year adopt the Centre's annual work programme on the basis of a draft submitted by the Director, after consulting the Scientific Committee and seeking the Commission's opinion. ⇨ The work programme shall be forwarded to the European Parliament, the Council and the Commission ⇦ ~~The programme~~ ⌦ It ⌫ may be adjusted in the course of the year in accordance with the same procedure.

⇩ new

6. In the case where the Commission expresses its disagreement with the three-year or annual work programme, these programmes shall be adopted by the Management Board by a 4/5 majority.

🡻 1651/2003 Art. 1.2

~~5.~~7 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.~~8 The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

⇩ new

Article 10

Executive Committee

1. The Management Board shall be assisted by an Executive Committee. The Executive Committee shall be made up of the Chairperson and the Vice-Chairperson of the Management

Board and two Commission representatives. The Director shall take part in its meetings, without voting rights.

2. The Executive Committee shall meet at least twice a year and whenever necessary to prepare the decisions of the Management Board and to assist and advise the Director. It shall decide on behalf of the Management Board on the matters foreseen in the EMCDDA financial regulation which are not reserved to the Management Board by this Regulation. It shall adopt its decisions simple majority.

↓ 302/93
⇨ new

Article ~~9~~ 11

Director

1. The Centre shall be headed by a Director appointed by the management board on a proposal from the Commission for a five-year period, which ⇨ on a proposal from the Commission and after evaluation, may be extended once for a period of not more than five years ⇦ ~~shall be renewable~~.

⇩ new

In the evaluation the Commission shall assess in particular:

- The results achieved in the first term of office and the way in which they were achieved;

- The Centre's duties and requirements in the coming years.

2. Up on appointment to a first term, out of a maximum of two terms, the candidate nominated by the Management Board for the post of Director may be invited without delay to make a statement before the European Parliament and answer questions put by members of that institution.

↓ 302/93

3. The Director shall be responsible for:

– (a) preparing and implementing the decisions and programmes adopted by the Centre's management board,

– (b) day-to-day administration,

– (c) preparing the Centre's work programmes,

↓ 1651/2003 Art. 1.3

– (d) the preparation of the draft estimate of the Centre's revenue and expenditure and the implementation of the budget,

↓ 302/93
⇨ new

– (e) the preparation and publication of the reports provided for in this Regulation,

– (f) ⇨ managing ⇦ all staff ⇨ related ⇦ matters, ⇨ and in particular exercising the powers which are devolved on the appointing authority⇦

⇩ new

– (g) defining the agency's organisational structure and submitting it to the Management Board for approval

↓ 302/93

– (h) performance of the tasks referred to in Article 1 and 2~~.~~,

⇩ new

– (i) regular assessment of the Centre's work.

↓ 302/93 (adapted)

~~2.~~ 4. The Director shall be accountable for his activities to the Management Board ~~and shall attend its meetings~~.

↓ 302/93

~~3.~~ 5. The Director shall be the Centre's legal representative.

⇩ new

Article 12

Hearing of the Director before the European Parliament

Each year the Director shall submit to the European Parliament the general report on the Centre's activities. The European Parliament may also ask for a hearing with the Director on any subject related to the Centre's activities.

↓ 302/93 (adapted)

Article ~~10~~ 13

Scientific Committee

1. The management board and the Director shall be assisted by a Scientific Committee which shall deliver an opinion where provided for in this Regulation on any scientific matter concerning the Centre's activities which the Management Board or the Director may submit to it.

The opinions of the Scientific Committee shall be published.

~~2. The Scientific Committee shall consist of one representative from each Member State. The management board may appoint up to six other members having regard to their particular qualifications.~~

⇩ new

2. The Management Board shall appoint one member per Member State to the Scientific Committee based on proposals by Member States of individuals selected on the basis of their experience and scientific excellence in the area of drugs and drug addiction, and taking into account the need for the Committee to be multidisciplinary in nature and to cover all scientific fields linked to the problems of drugs and drug addiction. Such fields include, but are not restricted to: Biomedical Research, Neuroscience, Criminology, Educational Science, Epidemiology, Economics, Forensic Science, Law, Policy Evaluation and Analysis, Political Science, Prevention Evaluation/Research, Psychiatry of Addiction, Psychology, Psychopharmacology, Public Health, Qualitative Research, Social work, Statistics, Sociology, Survey Research, Toxicology, and Treatment Evaluation/Research.

The members of the Scientific Committee shall be appointed in a personal capacity and shall give their opinions completely independently of the Member States and the European institutions.

The Management board shall approve, from among those proposed by the Member States, a panel of experts from whom at most five may be chosen from time to time by the Director, acting on the advice of the Chairperson of the Scientific Committee, to serve on the extended Scientific Committee as set out in Article 6.2 of Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control o new psychoactive substances.

🡻 302/93

~~3~~4. Members shall serve on the Scientific Committee for a three-year period, which shall be renewable.

🡻 302/93 (adapted)

~~4.~~5 The Scientific Committee shall elect its ~~chairman~~ ⌦ chairperson ⌫ for a three-year period. ~~5. The Scientific Committee~~ ⌦ It ⌫ shall be convened by its ~~chairman~~ ⌦ chairperson ⌫ at least once a year.

↓ 1651/2003 Art. 1.4 (adapted)

Article ~~11~~ 14

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~~ 20 and 21 respectively.

4. The Centre's expenditure shall include:

(a) Staff remuneration, administrative and infrastructure expenses, and operating costs;

↓ 1651/2003 Art. 1.4 (adapted)
⇨ new

(b) Expenditure in support of the ~~national information networks which form part of the~~ Reitox ⇨ focal points ⇦ ~~network and expenditure relating to contracts with the specialised centres~~.

↓ 1651/2003 Art. 1.4

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~~6. 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.

↓ 1651/2003 Art. 1.4 (adapted)

~~8~~7. The budgetary authority shall authorise the appropriations for the subsidy to the Centre~~.~~ ⌦ and ⌫ ~~The budgetary authority~~ shall adopt the establishment plan for the Centre.

↓ 1651/2003 Art. 1.4

~~9~~8. 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~~9. 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.

↓ 1651/2003 Art. 1.5 (adapted)

Article ~~11a~~ 15

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.~~7. 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.~~8. 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.~~9. 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.~~10. 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[21] unless specifically required for the Centre's operation and with the Commission's prior consent.

⇩ new

Article 16

Combating fraud

In order to combat fraud, corruption and other unlawful activities, the provisions of Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) shall apply without restriction to the Centre.

The decisions concerning funding and the implementing agreements and instruments resulting from them shall explicitly stipulate that the Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks among the recipients of the Centre's funding.

🡻 302/93

Article ~~14~~ 17

Privileges and immunities

The Protocol on the Privileges and immunities of the European Communities shall apply to the Centre.

🡻 302/93 (adapted)
⇨ new

Article ~~15~~ 18

Staff Regulations

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[21] OJ L 357, 31.12.2002, p. 72, with Corrigendum in OJ L 2, 7.1.2003, p. 39.

The Staff ~~of the Centre shall be subject to the regulations and rules applicable to the officials and other servants of the European Communities.~~ ⇨ Regulations of officials of the European Communities, the Conditions of employment of other servants of the European Communities and the rules adopted jointly by the European Community institutions for the purpose of applying these staff regulations and conditions of employment shall apply to the staff of the agency.⇦

⇩ new

The engagement of staff from third countries following the conclusion of the agreements referred to in article 21 must, in any event, be in accordance with the staff regulations of officials of the European Community and the conditions of employment of other servants of the European Community.

🡻 302/93
⇨ new

The Centre shall exercise in respect of its staff the powers devolved to the appointing authority.

The management board shall, in agreement with the Commission, adopt the appropriate implementing rules ⇨ in accordance with the arrangements provided for in Article 110 of the Staff Regulations of officials of the European Communities and of the Conditions of employment of other servants of the European Communities.⇦

⇩ new

The Management board may adopt provisions to allow national experts from other Member States to be employed on secondment at the agency.

🡻 302/93

Article ~~16~~ 19

Liability

1. The contractual liability of the Centre shall be governed by the law applicable to the contract in question. The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in a contract concluded by the Centre.

2. In the case of non-contractual liability, the Centre shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Centre or its servants in the performance of their duties. The Court of Justice shall have jurisdiction in disputes relating to compensating for any such damage.

3. The personal liability of servants towards the Centre shall be governed by the provisions applying to the staff of the Centre.

↓ 302/93 (adapted)

Article ~~12~~ 20

Cooperation with other ⌦ national and international ⌫ organizations and bodies

Without prejudice to relations which the Commission may maintain pursuant to Article ~~229~~ ⌦ 302 ⌫ of the Treaty, the Centre shall actively seek the cooperation of international organizations and other, particularly European, governmental and non-governmental agencies competent in the sector of drugs.

⇩ new

Such cooperation should be based on working arrangements concluded with the aforementioned authorities and organisations. These arrangements shall be adopted by the Management Board on the basis of a draft submitted by the director and after the Commission has delivered an opinion. Where the Commission expresses its disagreement with these arrangements, the Management Board shall adopt them by a 4/5 majority.

↓ 302/93 (new)
⇨ new

Article ~~13~~ 21

Non-Community countries

~~1.~~ 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 in the Centre's objectives and work, on the basis of agreements entered into between them and the Community on the basis of Article ~~235~~ ⇨ 300 ⇦ of the Treaty.

~~2. The management board may take a decision on the involvement of experts proposed by non-Community countries in the *ad hoc* working parties provided for in Article 2 (2), subject to an undertaking from the interested parties to observe the rules referred to in Article 6.~~

Article ~~17~~ 22

Jurisdiction of the Court of Justice

The Court of Justice shall have jurisdiction in actions brought against the Centre under the conditions provided for in Article ~~173~~ ⌦ 230 ⌫ of the Treaty.

Article ~~18~~ 23

⇨ Evaluation ⇦ **Report**

⇨ The Commission shall initiate an external evaluation of the Centre every six years to coincide with the completion of two three-year work programmes of the Centre . This evaluation should also include the Reitox system. ⇦ ~~During the third year following the entry into force of this Regulation,~~ ~~t~~The Commission shall forward ⇨ the evaluation report ⇦ to the European Parliament ⇨ , the Council and the Management Board ⇦ ~~and to the Community a progress report on the Centre's activities, together with proposals, if appropriate, to modify or extend its tasks, taking into account, in particular, the evolution of Community powers~~.

⇩ new

In that context, the Commission shall, if appropriate, present a proposal for revision of the provisions of this Regulation in light of developments in respect of regulatory agencies, in accordance with the procedure laid down in article 251 of the Treaty. The European Parliament and the Council shall examine this proposal and in particular consider whether the composition of the Management Board needs to be revised in accordance with the general framework to be adopted for European regulatory agencies.

🡻

Article 24

Repeal

Regulation (EC) No 302/93 is hereby repealed.

References made to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

🡻 302/93 (adapted)

Article ~~19~~25

Entry into force

This Regulation shall enter into force on the day ~~following the decision of the competent authorities on the seat of the Centre~~ ⌦ of its publication in the Official Journal of the European Union ⌫.

🡻 302/93

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

Done at…, [].

For the European Parliament
The President

For the Council
The President

↓ 302/93
⇨ new

ANNEX I

A. The work of the Centre shall be carried out with due regard to the respective powers of the Community and its Member States in the area of drugs, as those powers are defined by the Treaty. ⇨ It shall cover the various facets of the drugs and drug addiction phenomenon, and the solutions applied. In doing so, the Centre shall be guided by the Drugs Strategies and Action Plans adopted by the European Union. ⇦

The ~~information gathered by the Centre shall relate to~~ ⇨ EMCDDA shall focus on ⇦ the following priority areas:

⇩ new

(1) monitoring the state of the drugs problem, in particular using epidemiological or other indicators, and monitoring emerging trends, in particular those involving poly-drug use;

(2) monitoring the solutions applied to drug-related problems;

(3) assessing the risks of new psychoactive substances and maintaining a rapid information system with regard to their use and also regarding new methods of using existing psychoactive substances ;

(4) developing tools and instruments to facilitate Member States in the monitoring and evaluation of their national policies and the European Commission in monitoring and evaluation of Union policies.

↓ 302/93

~~1. demand and reduction of the demand for drugs;~~

~~2. national and Community strategies and policies (with special emphasis on international, bilateral and Community policies, action plans, legislation, activities and agreements);~~

~~3. international cooperation and geopolities of supply (with special emphasis on cooperation programmes and information on producer and transit countries);~~

~~4. control of trade in narcotic drugs, psychotropic substances and precursors, as provided for in the relevant present or future international conventions and Community acts[22];~~

~~5. Implications of the drugs phenomenon for producer, consumer and transit countries, within areas covered by the Treaty, including money laundering, as laid down by the relevant present or future Community acts[23].~~

↓ 302/93

B. The Commission shall make available to the Centre, for dissemination, the information and statistical data which it possesses pursuant to its powers.

↓ 302/93

~~C. During the first three-year period special attention will be given to demand and demand reduction.~~

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[22] ~~The relevant international conventions currently in force include, in particular, the United Nations Conventions, in so far as the Community is or could become party to them.~~
~~The relevant Community acts currently in force include in particular Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances.~~
~~This involves only information which the Member States are obliged to supply to the Commission on the basis of existing and future Community legislation.~~

[23] ~~Of the relevant Community acts currently in force the one concerning money laundering is the Council Directive of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering.~~
~~This involves only information which the Member States are obliged to supply to the Commission on the basis of existing and future Community legislation.~~

↑

ANNEX II

Repealed Regulation and successive amendments

Council Regulation (EEC) No 302/93	OJ L 36, 12.2.1993, p. 1.
Council Regulation (EEC) No 3294/94	OJ L 341, 30.12.1994, p. 7.
Council Regulation (EEC) No 2220/2000	OJ L 253, 7.10.2000, p. 1.
Council Regulation (EEC) No 1651/2003	OJ L 245, 29.9.2003, p. 30.

ANNEX III

Correlation table

Council Regulation (EEC) No 302/93	This Regulation
Article 1	Article 1
-	Article 1 (3), second sentence
Article 2(A), introductory words	Article 2(a), introductory words
Article 2(A)(1)	Article 2(a)(i), first sentence
-	Article 2(a)(i), second sentence
Article 2(A)(2) to (5)	Article 2(a)(ii) to (v)
Article 2(B), introductory words	Article 2(b), introductory words
Article 2(B)(6), first sentence	Article 2(b)(i), first sentence
-	Article 2(b)(i), second sentence
Article 2(B)(7)	Article 2(b)(ii)
Article 2(C), introductory words	Article 2(c), introductory words
Article 2(C)(8) to (10)	Article 2(c)(i) to (iii)
-	Article 2(c)(iii), second sentence
Article 2(D), introductory words	Article 2(d), introductory words
Article 2(D)(11) to (14)	Article 2(d)(i) to (iv)
-	Article 2(d)(iv), first sentence
Article 3	Article 4
Article 4	Article 3
Article 5	Article 5
Article 5 (1)	Article 5 (1), second sentence
-	Article 5 (2), (a), (b) and (c)
-	Article 5 (3), (4) and (5)
Article 6	Article 6

-	Article 6, first sentence
Article 6a	Article 7
Article 7	Article 8
-	Article 8, title
-	Article 8 (2)
Article 8	Article 9
Article 8(1)	Article 9(1), first sentence
Article 8(1)	Article 9(1), second sentence
Article 8(2)	Article 9(2), first sentence
-	Article 9(3)
Article 8(3)	Article 9(4)
Article 8(3)	Article 9(4), first sentence
Article 8(4)	Article 9(5)
-	Article 9(5), second sentence
-	Article 9(6)
Article 8(5) and (6)	Article 9(7) and (8)
-	Article 10
Article 9	Article 11
Article 9(1), first subparagraph	Article 11(1), first subparagraph
-	Article 11(1), second subparagraph
-	Article 11(2)
Article 9(1), second subparagraph	Article 11(3)
Article 9(1), second subparagraph, first to sixth indent	Article 11(3), (a) to (f)
-	Article 11(3), (f), second sentence
-	Article 11(3), (g),
Article 9(1), seventh indent	Article 11(3), (h),

-	**Article 11(3) (i)**
Article 9(2) and (3)	**Article 11(4) and (5)**
-	**Article 12**
Article 10	**Article 13**
Article 10(2)	**Article 13(2), first, second and third subparagraph**
Article 10(3), (4) and (5)	**Article 13 (4) and (5)**
Article 11(1), (2), (3) and (4)	**Article 14(1), (2), (3) and (4)**
Article 11 (4) (b)	**Article 14 (4) (b), first sentence**
Article 11(5)	**Article 14(5), first subparagraph**
Article 11(6)	**Article 14(5), second subparagraph**
Article 11(7) to (10)	**Article 14(6) to (9)**
Article 11a(1), (2), (3), (4) and (5)	**Article 15(1), (2), (3), (4) and (5)**
Article 11a(6)	**Article 15(6), first subparagraph**
Article 11a(7)	**Article 15(6), second subparagraph**
Article 11a (8) to (11)	**Article 15(7) to (10)**
-	**Article 16**
Article 12	**Article 20**
-	**Article 20, second subparagraph**
Article 13(1)	**Article 21**
Article 13(2)	**-**
Article 14	**Article 17**
Article 15	**Article 18**
-	**Article 18, second subparagraph**
Article 15, third subparagraph	**Article 18, fourth subparagraph, last sentence**
-	**Article 18, fifth subparagraph**

Article 16	**Article 19**
Article 17	**Article 22**
Article 18	**Article 23**
-	**Article 23, first sentence**
	Article 23, second subparagraph
-	**Article 24**
Article 19	**Article 25**
Annex, point A, first paragraph	**Annex I, point A, first paragraph**
-	**Annex I, point A, second paragraph**
	Annex I, point A (1) to (4)
Annex, point A, 1 to 4	**-**
Annex, point B	**Annex I, point B**
Annex, point C	**-**
-	**Annex II**
-	**Annex III**