COUNCIL REGULATION (EC) No 1646/2003

of 18 June 2003

amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Court of Auditors ([3]),

Whereas:

(1) Certain provisions of Council Regulation (EC) No 2667/2000 of 5 December 2000 on the European Agency for Reconstruction ([4]), should be brought into line with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ([5]) (hereinafter referred to as the general Financial Regulation), and in particular Article 185 thereof.

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

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

(4) Appropriate provisions should therefore be included in Regulation (EC) No 2667/2000 to make Regulation (EC) No 1049/2001 applicable to the European Agency for Reconstruction, as should a provision on appeals against a refusal of access to documents.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

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

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

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

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

'*Article 7*

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

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

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

([1]) OJ C 331 E, 31.12.2002, p. 167.
([2]) Opinion delivered on 27 March 2003 (not yet published in the Official Journal).
([3]) OJ C 285, 21.11.2002, p. 4.
([4]) OJ L 306, 7.12.2000, p. 7. Regulation as last amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).
([5]) OJ L 248, 16.9.2002, p. 1 with Corrigendum in OJ L 25, 30.1.2003, p. 43.
([6]) OJ L 145, 31.5.2001, p. 43.