REGULATION (EC) No 1642/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 July 2003

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the Court of Auditors ([2]),

Having regard to the opinion of the European Economic and Social Committee ([3]),

Acting in accordance with the procedure referred to in Article 251 of the Treaty ([4]),

Whereas:

(1) Certain provisions of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ([5]) 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 ([6]) (hereinafter referred to as 'the general Financial Regulation'), and in particular Article 185 thereof.

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

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

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

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

HAVE ADOPTED THIS REGULATION:

Article 1

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

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

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

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

2. Article 26 shall be amended as follows:

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

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

([1]) OJ C 331 E, 31.12.2002, p. 79.
([2]) OJ C 285, 21.11.2002, p. 4.
([3]) OJ C 85, 8.4.2003, p. 64.
([4]) Opinion of the European Parliament of 22 October 2002 (not yet published in the Official Journal), Council Common Position of 3 June 2003 (not yet published in the Official Journal) and Decision of the European Parliament of 1 July 2003.
([5]) OJ L 31, 1.2.2002, p. 1.
([6]) OJ L 248, 16.9.2002, p. 1; corrigendum in OJ L 25, 30.1.2003, p. 43.
([7]) OJ L 145, 31.5.2001, p. 43.