Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions

COM(90) 534 final

(Submitted by the Commission on 17 December 1990)

(91/C 23/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Auditors,

Whereas the Treaty of 22 July 1975, amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, modified the procedure for giving a discharge to the Commission in respect of the implementation of the budget, and therefore it is appropriate to update the procedure for giving a discharge to the Administrative Board of the Foundation by reference to the procedure so modified, as set out in Article 206b of the EEC Treaty;

Whereas the Treaty of 22 July 1975 substituted the Court of Auditors for the Audit Board in all the texts referring to the Audit Board;

Whereas it is desirable to improve the procedure for the transmission of the annual general report on the Foundation to include all Community organizations;

Whereas Council Regulation (EEC) No 1365/75 [1] should be amended accordingly;

Whereas the Treaty does not provide the necessary specific powers,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1365/75 is hereby amended as follows:

1. in Article 13 (1) 'and shall submit it to the Administrative Board' is deleted;

2. Article 13 (2) is replaced by the following:

'2. After its adoption by the Administrative Board, the Director shall forward the general report to the Community institutions, the Economic and Social Committee and the Court of Auditors.';

3. Article 16 is replaced by the following:

'Article 16

1. The financial provisions applying to the Foundation shall be adopted under Article 209 of the Treaty.

The financial controller of the Commission shall be responsible for checking the commitment and payment of all expenditure and the recording and recovery of all revenue of the Foundation.

2. The Administrative Board shall, not later than 31 March, send the revenue and expenditure accounts, the analysis of financial management and the balance sheet of the Foundation for the preceding financial year to the Commission, the Council, the European Parliament and the Court of Auditors. The Court of Auditors shall examine them as provided for in Article 206a of the Treaty.

3. The Court of Auditors shall transmit to the authorities responsible for giving discharge and to the Commission, by 30 November at the latest, its annual report accompanied by the replies of the Foundation to its comments, and shall ensure publication thereof in the *Official Journal of the European Communities*. The European Parliament, upon a recommendation from the Council acting by a qualified majority, shall, before 30 April of the following year, give a discharge to the Administrative Board of the Foundation in accordance with the procedures laid down in Article 206b of the Treaty.'

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.

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[1] OJ No L 139, 30. 5. 1975, p. 1.