Amended proposal for a Council Regulation (EC) setting up a translation centre for the bodies of the European Union [1]

(94/C 372/09)

(Text with EEA relevance)

COM(94) 564 final — 94/0071(CNS)

(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 1 December 1994)

[1] OJ No C 99, 8. 4. 1994, p. 17.

ORIGINAL TEXT	AMENDED TEXT
THE COUNCIL OF THE EUROPEAN UNION,	Unchanged
Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,	
Having regard to the proposal from the Commission,	
Having regard to the opinion of the European Parliament,	
Whereas, further to the decision of 29 October 1993 taken by common agreement between the Representatives of the Governments of the Member States, meeting at Head of State and Government level, on the location of the seats of certain bodies and departments of the European Communities and of Europol [1], the Representatives of the Governments of the Member States adopted by common agreement a declaration on the establishment of a Translation Centre for the bodies of the Union within the Commission's translation departments located in Luxembourg to provide the necessary translation services for the operation of the bodies whose seats were determined by the decision of 29 October 1993, with the exception of the European Monetary Institute;	
Whereas the establishment of a single specialized centre provides a practical solution to the problem of meeting the translation needs of a large number of bodies in various locations throughout the Union;	

[1] OJ No C 323, 30. 11. 1993, p. 1.

ORIGINAL TEXT	AMENDED TEXT

Whereas the rules governing the Centre should enable it to provide services to bodies with legal personality, administrative independence and their own budgets, while maintaining an operational link with the Commission;

Whereas the Treaty does not provide specific powers of action for the adoption of this Regulation, other than those contained in Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

A Translation Centre for the bodies of the Union ('hereinafter referred to as the Centre') is established.

Article 2

The Centre shall be responsible for translating material needed for the operation of the following bodies:

— the European Environment Agency,

— the European Training Foundation,

— the European Monitoring Centre for Drugs and Drug Addiction,

— the European Agency for the Evaluation of Medicinal Products,

— the Agency of Health and Safety at Work,

— the Office for Harmonization in the Internal Market (trade marks, designs and models),

— the European Police Office (Europol) and the Europol Drugs Unit.

Article 3

1. The Centre shall have legal personality.

2. To enable it to perform the tasks assigned to it, the Centre shall, in all Member States, have the most extensive legal capacity accorded to legal persons under their laws.

Article 4

1. The Centre shall have a Management Board consisting of:

(a) a representative from each of the bodies listed in Article 2; and

ORIGINAL TEXT	AMENDED TEXT
(b) a Commission representative.	
2. The management board shall be chaired by the Commission representative.	
3. The Commission shall appoint an alternate who will replace the chairman in his absence.	
Article 5	
1. Members of the Management Board shall be appointed for three years.	
2. The appointment of members of the Management Board shall be renewable.	
Article 6	
1. The chairman shall call a meeting of the Management Board at least twice a year and if at least one-third of the members so request.	
2. Decisions of the Management Board shall be taken by a two-thirds majority.	
3. Each member of the Management Board shall have one vote.	
Article 7	
The Management Board may invite representatives of the translation departments of other Community institutions or of international organizations to attend as observers.	
Article 8	
1. The Management Board shall adopt the Centre's annual work programme on the basis of a draft prepared by the director.	
2. The programme may be adapted during the year by the procedure referred to in paragraph 1.	
3. By 31 January each year at the latest, the Management Board shall adopt an annual report on the Centre's activities. The director shall communicate it to the bodies listed in Article 2 and to the European Parliament, the Council and the Commission.	
Article 9	
1. The Centre shall be under the authority of a director appointed by the Management Board on a proposal from the Commission for a period of five years; the appointment shall be renewable.	

ORIGINAL TEXT

2. The director shall be the legal representative of the Centre. He shall be responsible for:

— the proper preparation and implementation of the work programme and of decisions taken by the Management Board,

— day-to-day administration,

— the performance of the tasks assigned to the Centre,

— the implementation of the budget,

— all staff matters, and

— the preparation of Management Board meetings.

3. The director shall be accountable to the Management Board.

Article 10

1. Estimates shall be drawn up of all the Centre's revenue and expenditure for each financial year, which shall correspond to the calendar year, and shall be entered in the Centre's budget.

2. The revenue and expenditure shown in the Centre's budget shall be in balance; the revenue shall come from financial contributions from the bodies serviced by the Centre, without prejudice to other resources.

3. The expenditure of the Centre shall include staff remuneration, administrative and infrastructure expenses and operating costs.

AMENDED TEXT

Article 10b

The Commission will provide the Translation Centre for the bodies of the Union, on the basis of arrangements to be concluded with the Centre, with the following assistance:

1. support services: terminology, databases, documentation, machine translation, training and records of freelance translators as well as the secondment of officials to posts at the Centre;

2. the management of basic administrative services: payment of salaries, provision of health insurance, pension schemes, organization of social services.

ORIGINAL TEXT	AMENDED TEXT
Article 11	Unchanged
1. By 31 March each year the director shall draw up a draft statement of estimates of the Centre's revenue and expenditure for the following financial year and shall transmit them to the Management Board, together with an establishment plan.	
2. The Management Board shall adopt the statement of estimates accompanied by the establishment plan and shall transmit them immediately to the Commission, which on that basis shall establish the estimates corresponding to the subsidies granted to the bodies listed in Article 2 in the preliminary draft budget which it places before the Council pursuant to Article 203 of the Treaty.	
3. The Management Board shall adopt the Centre's budget before the beginning of the financial year, adjusting it where necessary to the financial contributions of the bodies listed in Article 2 and the Centre's other resources.	
Article 12	
1. The director shall implement the Centre's budget.	
2. Monitoring of the commitment and payment of all the Centre's expenditure and of the establishment and recovery of all the Centre's revenue shall be carried out by the Commission's Financial Controller.	
3. By 31 March each year the director shall send the Commission, the Management Board and the Court of Auditors the accounts for all the Centre's revenue and expenditure in respect of the preceding financial year. The Court of Auditors shall examine them in accordance with Article 188c of the Treaty.	
4. The Management Board shall give a discharge to the director of the Centre in respect of implementation of the budget.	
Article 13	
After consulting the Commission and the Court of Auditors, the Management Board shall adopt internal financial provisions specifying, in particular, the procedure for establishing and implementing the Centre's budget.	
Article 14	
The Protocol on the privileges and immunities of the European Communities shall apply to the Centre.	

ORIGINAL TEXT	AMENDED TEXT
Article 15	
1. The staff of the Centre shall be subject to the rules and regulations applying to officials and other servants of the European Communities.	
2. In respect of its staff, the Centre shall exercise the powers which have been devolved to the appointing authority.	
3. The Management Board, in agreement with the Commission, shall adopt the necessary implementing provisions to ensure, *inter alia*, the confidentiality of certain work.	
Article 16	
1. The contractual liability of the Centre shall be governed by the law applicable to the contract in question. The Court of Justice of the European Communities shall have jurisdiction to give judgment pursuant to any arbitration clause contained in contracts 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 it or its servants in the performance of their duties. The Court of Justice of the European Communities shall have jurisdiction in any dispute relating to compensation for such damages.	
3. The personal liability of the servants of the Centre shall be governed by the relevant provisions applying to them.	
	Article 16a
	The operating methods of the Centre as defined in the present Regulation may be reviewed by the Council, on the basis of a proposal from the Commission and after the opinion of the European Parliament has been given, not later than three years after the end of the start-up period of the Centre, which will not exceed three budgetary years.
Article 17	Unchanged
This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*. It shall be binding in its entirety and directly applicable in all Member States.	