



2022/0009(COD)

30.8.2022

OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council
on the European Union Drugs Agency
(COM(2022)0018 – C9-0010/2022 – 2022/0009(COD))

Rapporteur for opinion: Niclas Herbst

PA_Legam

SHORT JUSTIFICATION

While the COVID-19 pandemic devastated businesses and workers across the European Union, drug markets showed remarkable resilience. Those producing and trafficking illegal drugs continued to profit from the damage they do to people's lives, particularly those in marginalised groups. Drugs sellers have embraced new technologies, with use of encrypted messaging services, social media and e-commerce, very often on the darknet. At the same time, people using drugs are increasingly experimenting with poly-substance use, consuming more than one drug or substance at the same time. The drugs phenomenon is therefore exhibiting increasing complexity and moving with increasing speed.

The 2021-2025 EU Drugs Strategy¹ and the 2021-2025 EU Drugs Action Plan² demand greater action at EU level to tackle the evolving drugs challenges and call on the Commission to propose an expanded mandate for the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) to take into account the evolving situation. The evaluation conducted by the Commission of the EMCDDA's work³ underlines the valuable work done by the agency, but also highlights gaps in its mandate. This proposal seeks to fill these gaps and ensure that the revamped agency's mandate is fit for purpose by extending it to cover poly-substance use and better monitoring and threat assessment capabilities. The proposal also beefs up data and information gathering, enables the agency to develop EU-wide prevention and awareness-raising campaigns and provides that it can issue alerts when a new dangerous substance appears on the market. Finally, since the existing EMCDDA regulation dates from 2006, the proposal brings the provisions into line with the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July 2012 and the Common Approach⁴.

Your Rapporteur welcomes the central aims of the proposal and is convinced that an expanded mandate for the drugs agency will enable more effective action both to disrupt the illicit drugs market and to protect European citizens from the dangers of drugs.

Nevertheless, in line with his approach to decentralised agency files, he considers that the policy substance of the proposal should be dealt with by the lead committee. As such, the draft opinion focuses on those areas where the Committee on Budgets can add value, therefore in particular on the financial provisions and governance rules.

Budgetary impact and financial provisions

According to the Commission proposal, the EU Drugs Agency will need an additional EUR 63 million between 2024 and 2027 compared to the MFF programming and its total staff will increase from 111 in the 2022 budget to 145 by 2027. It is of course imperative that the agency has sufficient financial and human resources to execute its reinforced mandate and it will be important to ensure that any further tasks and responsibilities that may be agreed in the final legislation are properly funded.

Your Rapporteur strongly opposes the Commission's intention of financing the additional resources for the agency in heading 5 through a compensatory reduction of the Border Management and Visa Instrument (BMVI) programme in heading 4. The BMVI benefits from

¹ OJ C 1021, 24.3.2021, p.1

² OJ C 272, 8.7.2021, p.2

³ COM(2019) 228

⁴ <https://data.consilium.europa.eu/doc/document/ST-11450-2012-INIT/en/pdf>

a EUR 1 billion top-up through a programme-specific adjustment agreed during the MFF negotiations, meaning there was a clear political will to reinforce the instrument precisely to deal with border management and not to provide a pot of money to reinforce agencies. The importance of this top-up has been borne out by the Ukraine crisis and the proposed increase for the BMVI in Drafting Amending Budget 3/2022. Moreover, the additional tasks assigned to the Drugs Agency under the proposal are not tasks that would otherwise be carried out under the BMVI.

Fees

The proposal introduces the possibility for the agency to charge fees for ‘non-core services’ as a means of bringing in additional revenue. Your Rapporteur’s starting point is that agencies should have the budget required to perform the tasks assigned to them by the legislator. While fee-based financing models are entirely legitimate where fees are levied for core services (e.g. the fees-based model employed by the European Medicines Agency or the European Banking Authority), it is not clear why the Drugs Agency should charge fees for services that the legislator has not considered it necessary to provide in the first place.

Moreover, the provisions governing fees lack clarity, with the nature of the services nebulously defined and the Management Board enjoying considerable leeway to determine the nature and level of fees, with no parliamentary control. As such, your Rapporteur introduces amendments to delete the provisions enabling the agency to levy fees. Greater clarity in terms of the purpose and nature of the fees and clear provisions on parliamentary scrutiny would be required to consider the introduction of such fees.

Governance, parliamentary scrutiny and transparency

Your Rapporteur introduces a number of more technical amendments to ensure that provisions in the regulation comply fully with the principles in the Common Approach. The majority of these amendments seek to enhance parliamentary scrutiny and accountability, for example with respect to the appointment of the Executive Director, and to ensure transparency in budgetary reporting.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The drug phenomenon is becoming more and more technology-enabled, as was shown again during the COVID-19 pandemic where a greater adoption of new

Amendment

(14) The drug phenomenon is becoming more and more technology-enabled, as was shown again during the COVID-19 pandemic where a greater adoption of new

technologies to facilitate drug distribution has been observed. It is estimated that about two-thirds of the offers on darknet markets are drug-related. Drug trading is using different platforms, including social media networks and mobile applications. This development is mirrored in responses to the drug phenomenon, with an increased use of mobile applications and e-health interventions. The Agency, together with other relevant Union agencies and avoiding duplication of efforts, should monitor such developments as part of its holistic approach to the drug phenomenon.

technologies to facilitate drug distribution has been observed. It is estimated that about two-thirds of the offers on darknet markets are drug-related. Drug trading is using different platforms, including social media networks and mobile applications. This development is mirrored in responses to the drug phenomenon, with an increased use of mobile applications and e-health interventions. The Agency, together with other relevant Union agencies and avoiding duplication of efforts, should monitor such developments as part of its holistic approach to the drug phenomenon. ***Taking into account technological advancements and more sophisticated encryption methods, the Agency should stress the importance of adopting adequate digital solutions by Member States, in order to tackle the drug phenomenon in a coordinated, coherent and interoperable manner.***

Amendment 2

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) ***The responsibilities of the Agency in the area of*** international cooperation should be defined in ***more clear*** terms in order to allow it to fully engage in such activities and respond to requests from third countries and bodies. The Agency should be able to contribute to the development and implementation of the external dimension of the Union's drugs policy and the leadership role of the Union at multilateral level as a means to ensure the efficient and coherent implementation of the Union drug policies internally and at international level. ***In order that the Agency can allocate adequate levels of resources to this task, the work on international cooperation should be part of the core tasks of the Agency. It should***

Amendment

(25) International cooperation should be ***a core task of the Agency, with responsibilities*** defined in ***clearer*** terms, in order to allow it to fully engage in such activities and respond to requests from third countries and bodies. The Agency should be able to contribute to the development and implementation of the external dimension of the Union's drugs policy and the leadership role of the Union at multilateral level as a means to ensure the efficient and coherent implementation of the Union drug policies internally and at international level. ***Work in this area*** should be based on an international cooperation framework of the Agency, which should be in line with the Union priorities on international cooperation and

be based on an international cooperation framework of the Agency, which should be in line with the Union priorities on international cooperation and should be revised on a regular basis to ensure that it adequately reflects international developments.

should be revised on a regular basis to ensure that it adequately reflects international developments.

Amendment 3

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) In order to help Union funding for security research to develop its full potential and address the needs of drugs policy, the Agency should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to the Agency's objectives. Where the Agency assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, it should not receive funding from that programme ***in order*** to avoid ***a potential conflict*** of interest. Finally, the Agency should participate in Union-wide initiatives addressing research and innovation to ensure that technologies necessary for its activities are developed and available for use.

Amendment

(26) In order to help Union funding for security research to develop its full potential and address the needs of drugs policy, the Agency should assist the Commission in identifying key research themes ***and in*** drawing up and implementing the Union framework programmes for research and innovation that are relevant to the Agency's objectives. Where the Agency assists the Commission in identifying key research themes ***and in*** drawing up and implementing a Union framework programme, it should not receive funding from that programme and ***take all necessary measures*** to avoid ***conflicts*** of interest. Finally, the Agency should participate in Union-wide initiatives addressing research and innovation to ensure that technologies necessary for its activities are developed and available for use. ***Planned research and innovation activities should be set out in the single programming document containing the Agency's multiannual and annual work programme.***

Amendment 4

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) The Management Board should be assisted by an Executive Board to prepare its decisions. The Agency should be headed by an Executive Director. A Scientific Committee should ***continue assisting*** the Management Board and the Executive Director with regard to relevant scientific matters.

Amendment

(27) ***The Agency should be organised as follows. A Management Board, composed of representatives from the Member States and the Commission and an expert appointed by the European Parliament, should be responsible for overseeing the work of the Agency. The Member States, the Commission and the European Parliament should respect the principle of gender balance in their appointments and particularly regarding the overall composition of the Management Board.*** The Management Board should be assisted by an Executive Board, ***which should also be able to take specific decisions in clearly defined cases.*** ***The Agency should be headed by an Executive Director, who should be responsible for the day-to-day management of the Agency.*** A Scientific Committee should ***assist*** the Management Board and the Executive Director with regard to relevant scientific matters

Amendment 5

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The Executive Director should be appointed by the Management Board based on a shortlist drawn up by the Commission and having obtained the consent of the European Parliament. The Executive Director should present the annual report of the Agency to the

European Parliament and to the Council. Furthermore, the European Parliament and the Council should be able to invite the Executive Director to report on the performance of his or her duties.

Amendment 6

Proposal for a regulation Recital 27 b (new)

Text proposed by the Commission

Amendment

(27b) In order to ensure the independent functioning and integrity of the Agency, the Management Board should adopt practical arrangements for the prevention and management of conflicts of interest, giving due consideration to the recommendations of the European Ombudsman. Those arrangements should ensure in particular that senior representatives of the Agency do not undermine its integrity during or after their term of office.

Amendment 7

Proposal for a regulation Recital 29

Text proposed by the Commission

Amendment

(29) The Agency should be ***properly resourced to carry out its*** tasks and granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors of the European Union.

(29) The Agency should be ***provided with the necessary human and financial resources to fulfil the objectives, tasks and responsibilities assigned to it under this regulation. It should be*** granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union, ***with the necessary appropriations drawn exclusively from unallocated margins under the relevant heading of the multiannual financial framework and/or through the mobilisation of the relevant special***

instruments. The Union budgetary procedure should be applicable as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors of the European Union.

Amendment 8

Proposal for a regulation

Recital 30

Text proposed by the Commission

Amendment

(30) Fees improve the funding of an agency and may be considered for specific issues that can be clearly separated from the core tasks of the agency. Any fees levied by the Agency should cover its costs for providing the respective services.

deleted

Amendment 9

Proposal for a regulation

Recital 31

Text proposed by the Commission

Amendment

(31) The Executive Director should present the annual report of the Agency to the European Parliament and to the Council. Furthermore, the European Parliament and the Council should be able to invite the Executive Director to report on the performance of her or his duties.

deleted

Amendment 10

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

(35) The Agency should cooperate

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closely with relevant international organisations, other governmental and non-governmental bodies and relevant technical bodies from inside and outside the Union in the implementation of its work programme, notably to avoid duplication of work and to ensure access to all data and tools needed for carrying out its mandate.

closely with relevant international organisations, other governmental and non-governmental bodies and relevant technical bodies from inside and outside the Union in the implementation of its work programme, notably to avoid duplication of work and to ensure access to all data and tools needed for carrying out its mandate. ***In that regard, it should be possible for the Agency to engage with civil society organisations and other relevant stakeholders in order to raise awareness at Union level.***

Amendment 11

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. The Agency shall assist the Commission and the Member States in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve its general **task** set out in **Article 4**. Where the Agency assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, the Agency shall not receive funding from that programme.

Amendment

1. The Agency shall assist the Commission and the Member States in identifying key research themes **and in** drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve its general **and specific tasks** set out in **Articles 4 and 5**. Where the Agency assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, the Agency shall not receive funding from that programme. ***The Agency shall take all necessary measures to avoid conflicts of interest.***

Amendment 12

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. The Agency shall proactively monitor and contribute to research and

Amendment

2. The Agency shall proactively monitor and contribute to research and

innovation activities to achieve its general **task** set out in Article 4, support related activities of Member States, and implement its research and innovation activities regarding matters covered by this Regulation, including the development, training, testing and validation of algorithms for the development of tools. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 49.

innovation activities to achieve its general **and specific tasks** set out in **Articles 4 and 5**, support related activities of Member States, and implement its research and innovation activities regarding matters covered by this Regulation, including the development, training, testing and validation of algorithms for the development of tools. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 49.

Amendment 13

Proposal for a regulation Article 23 – paragraph 6

Text proposed by the Commission

6. The term of office for members and their alternates shall be four years. That term may be **renewable**.

Amendment

6. The term of office for members and their alternates shall be four years. That term may be **renewed once**.

Amendment 14

Proposal for a regulation Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) adopt the draft single programming document referred to in Article 35 **before its submission to the Commission for its opinion**;

Amendment

(b) adopt the draft single programming document referred to in Article 35 **by a majority of two-thirds of members entitled to vote in accordance with Article 23**;

Amendment 15

Proposal for a regulation Article 24 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) adopt, having requested the opinion of the Commission, the Agency's single programming document by a majority of two-thirds of members entitled to vote in accordance with Article 23;

deleted

Amendment 16

Proposal for a regulation

Article 24 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) adopt its rules of procedure;

(n) adopt its rules of procedure, including practical arrangements for the prevention and management of conflicts of interest;

Amendment 17

Proposal for a regulation

Article 24 – paragraph 1 – point t

Text proposed by the Commission

Amendment

(t) approve the list of experts to be used to extend the Scientific Committee in accordance with Article 10(4);

(t) approve the list of experts to be used to extend the Scientific Committee in accordance with Article 30(6);

Amendment 18

Proposal for a regulation

Article 28 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The Executive Director shall take part in the meetings of the Executive Board, **but shall not have the right to vote**. The Executive Board may invite other observers to attend its meetings.

The Executive Director shall take part in the meetings of the Executive Board. The Executive Board may invite other observers to attend its meetings.

Amendment 19

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

4. The term of office of members of the Executive Board shall be four years. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

Amendment

4. The term of office of members of the Executive Board shall be four years **and may be renewed once**. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

Amendment 20

Proposal for a regulation Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Executive Director

- 1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants. He/she shall be responsible for the day-to-day management of the Agency.**
- 2. The Executive Director shall be appointed by the Management Board in accordance with the following procedure:**
 - (a) on the basis of a shortlist drawn up by the Commission after a call for candidates and a transparent selection procedure, applicants will be asked to address the competent committee of the European Parliament and the Council and to reply to questions;**
 - (b) the European Parliament and the Council will then give their opinions and state their preferences;**
 - (c) the Management Board will appoint the Executive Director taking**

those opinions into account.

3. For the purpose of the concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.

4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.

5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once, for no more than five years. The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive Director's mandate. Before the Management Board takes its decision to extend the mandate, the Executive Director may be asked to make a declaration before the competent committee of the European Parliament and answer questions.

6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.

7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. The European Parliament and the Council shall be informed of the reasons.

8. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

9. The Executive Director may be called upon at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the Agency's activities.

Amendment 21

Proposal for a regulation Article 29 – paragraph 5 – point g

Text proposed by the Commission

(g) proposing to the Commission, after consulting the Management Board, the amount of fees in accordance with Article 37;

Amendment

deleted

Amendment 22

Proposal for a regulation Article 29 – paragraph 6

Text proposed by the Commission

6. The Executive Director shall decide whether it is necessary to locate one or more staff in one or more Member States for the purpose of carrying out the Agency's tasks in an efficient and effective manner. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the host Member State(s) concerned. The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. A headquarters agreement with the host Member State(s) concerned **may** be concluded.

Amendment

6. The Executive Director shall decide whether it is necessary to locate one or more staff in one or more Member States for the purpose of carrying out the Agency's tasks in an efficient and effective manner. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the host Member State(s) concerned. The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. A headquarters agreement with the host Member State(s) concerned **shall** be concluded.

Amendment 23

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. The Scientific Committee shall consist of at most fifteen scientists appointed by the Management Board in view of their scientific excellence and their independence, following the publication of a call for expression of interest in the Official Journal of the European Union. The selection procedure shall ensure that the specialist fields of the members of the Scientific Committee cover the most relevant fields linked to the objectives of the Agency.

Amendment

1. The Scientific Committee shall consist of at most fifteen scientists appointed by the Management Board in view of their scientific excellence and their independence **and in full respect of the principle of gender balance**, following the publication of a call for expression of interest in the Official Journal of the European Union. **Before making appointments to the Scientific Committee, the Management Board shall first consult the competent committee of the European Parliament.** The selection procedure shall ensure that the specialist fields of the members of the Scientific Committee cover the most relevant fields linked to the objectives of the Agency.

Amendment 24

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. By 15 December of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programming as well as all the documents listed in Article 32 of Commission Delegated Regulation (EU) 2019/715²², based on a draft put forward by the Executive Director, after consulting the Scientific Committee, taking into account the opinion of the Commission, and in relation to multiannual programming after consulting the European Parliament. **It** shall forward it to the European Parliament, the Council and the Commission by 31 January of the

Amendment

1. By 15 December of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programming as well as all the documents listed in Article 32 of Commission Delegated Regulation (EU) 2019/715²², based on a draft put forward by the Executive Director, after consulting the Scientific Committee, taking into account the opinion of the Commission, and in relation to multiannual programming after consulting the European Parliament. **If the Management Board decides not to take into account elements of the opinion of the**

following year.

Commission or of the Scientific Committee, it shall provide a thorough justification. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted. The Management Board shall forward the single programming document to the European Parliament, the Council and the Commission by 31 January of the following year.

The Single Programming Document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

The Single Programming Document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

²² Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, (OJ L 122, 10.5.2019, p. 1).

²² Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, (OJ L 122, 10.5.2019, p. 1).

Amendment 25

Proposal for a regulation

Article 35 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Annual or multi-annual programming shall include the information about the implementation of the international cooperation framework referred to in Article 20 and the actions linked to this strategy.

Amendment

Annual or multi-annual programming shall include the information about the implementation of the international cooperation framework referred to in Article 20 and the actions linked to this strategy. ***It shall also include the Agency's planned research and innovation activities referred to in Article 21.***

Amendment 26

Proposal for a regulation Article 36 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the fees paid for services rendered in accordance with Article 37; and **deleted**

Amendment 27

Proposal for a regulation Article 36 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The amount and origin of any revenue referred to in points (b) and (d) of the first sub-paragraph of this paragraph shall be included in the annual accounts of the Agency and clearly detailed in the annual report on the Agency's budgetary and financial management referred to in Article 40(2).

Amendment 28

Proposal for a regulation Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Fees

1. The Agency may charge fees for the following:

- (a) training programmes;***
- (b) certain support activities for Member States that have not been identified as a priority but could be beneficially conducted if supported by national resources;***

(c) capacity-building programmes for third countries, which are not covered by separate dedicated Union funding;

(d) certification of national bodies set up in third countries pursuant to Article 20(3);

(e) other services falling within its mandate and rendered at the request of a participating country which require the investment of resources in the support of national activities.

2. At the proposal of the Executive Director, the Management Board of the Agency shall set the amount of the fees and the way in which they are paid.

3. Fees shall be proportionate to the costs of the relevant services as provided in a cost-effective way and shall be sufficient to cover those costs. Fees shall be set at such a level as to ensure that they are non-discriminatory and that they avoid placing an undue financial or administrative burden on stakeholders.

4. Fees should be set at a level such as to avoid a deficit or a significant accumulation of surplus in the budget. Should a significant positive balance in the budget, resulting from the provision of the services covered by fees, become recurrent, a revision of the level of the fees, or of the Union contribution, shall become mandatory. In case a significant negative balance results from the provision of the services covered by fees, a revision of the level of the fees shall become mandatory.

Amendment 29

Proposal for a regulation Article 43

Article 43

deleted

Executive Director

- 1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants.**
- 2. The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.**
- 3. For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.**
- 4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.**
- 5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once, for no more than five years.**
- 6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.**
- 7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.**
- 8. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on**

the basis of a two-thirds majority of its members with voting rights.

Amendment 30

Proposal for a regulation Article 51 – paragraph 1

Text proposed by the Commission

1. No later than [OP please insert the date = five years after the date referred to in Article 63], and every 5 years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and location in accordance with Commission guidelines. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Amendment

1. No later than [OP please insert the date = five years after the date referred to in Article 63], and every 5 years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and location in accordance with Commission guidelines. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. ***It shall pay particular attention to the changes to the Agency's mandate and tasks introduced by this Regulation.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union Drugs Agency
References	COM(2022)0018 – C9-0010/2022 – 2022/0009(COD)
Committee responsible Date announced in plenary	LIBE 7.3.2022
Opinion by Date announced in plenary	BUDG 7.3.2022
Rapporteur for the opinion Date appointed	Niclas Herbst 1.2.2022
Discussed in committee	21.6.2022
Date adopted	31.8.2022
Result of final vote	+: 32 –: 1 0: 4
Members present for the final vote	Rasmus Andresen, Pietro Bartolo, Olivier Chastel, Lefteris Christoforou, Andor Deli, José Manuel Fernandes, Eider Gardiazabal Rubial, Alexandra Geese, Francisco Guerreiro, Valérie Hayer, Eero Heinäluoma, Niclas Herbst, Monika Hohlmeier, Moritz Körner, Joachim Kuhs, Zbigniew Kuźmiuk, Pierre Larrourou, Camilla Laureti, Janusz Lewandowski, Margarida Marques, Silvia Modig, Siegfried Mureşan, Lefteris Nikolaou-Alavanos, Andrey Novakov, Dimitrios Papadimoulis, Karlo Ressler, Bogdan Rzońca, Nicolae Ştefănuţă, Johan Van Overtveldt, Rainer Wieland, Angelika Winzig
Substitutes present for the final vote	Rosa D’Amato, Fabienne Keller, Jan Olbrycht
Substitutes under Rule 209(7) present for the final vote	Clara Aguilera, Alessandra Basso, Vlad-Marius Botoş, Juozas Olekas

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

32	+
ECR	Johan Van Overtveldt
NI	Andor Deli
PPE	Lefteris Christoforou, José Manuel Fernandes, Niclas Herbst, Monika Hohlmeier, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Jan Olbrycht, Karlo Ressler, Rainer Wieland, Angelika Winzig
Renew	Vlad-Marius Botoş, Olivier Chastel, Valérie Hayer, Fabienne Keller, Moritz Körner, Nicolae Ştefănuţă
S&D	Clara Aguilera, Pietro Bartolo, o, Eider Gardiazabal Rubial, Eero Heinäluoma, Pierre Larrourou, Camilla Laureti, Margarida Marques, Juozas Olekas
The Left	Silvia Modig, Dimitrios Papadimoulis
Verts/ALE	Rasmus Andresen, Rosa D'Amato, Alexandra Geese

1	-
ID	Lefteris Nikolaou-Alavanos

4	0
ECR	Zbigniew Kuźmiuk, Bogdan Rzońca
ID	Alessandra Basso, Joachim Kuhs

Key to symbols:

+ : in favour

- : against

0 : abstention