European Parliament

2014-2019



2017/0328(COD)

25.4.2018

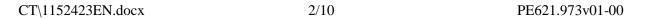
COLUMN TABLE FOR INTERINSTITUTIONAL NEGOTIATIONS

Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards the location of the seat of the European Medicines Agency (COM(201)0735 – C8-0421/2017 – 2017/0328(COD))

Date of the trilogue: 25.4.2018

Committee on the Environment, Public Health and Food Safety – Negotiating team

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COMMISSION PROPOSAL COM(2017)0735	EP AMENDMENTS (as adopted 15 March 2018)	COUNCIL	COMMENTS / SUGGESTIONS		
	RECITALS				
(2) Having regard to Article 50(3) of the Treaty on European Union, the European Medicines Agency should take its new seat as from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.	AM 1 (2) Having regard to Article 50(3) of the Treaty on European Union, the European Medicines Agency ("the Agency") should take its new seat from 30 March 2019.	Could accept the Commission proposal as is.			
(3) To ensure the proper functioning of the <i>European Medicines</i> Agency in its new location, a headquarters agreement should be concluded <i>before</i> the <i>European Medicines</i> Agency <i>takes up its new seat</i> .	(3) To ensure the proper functioning of the Agency in its new location, a headquarters agreement should be concluded as soon as possible. The headquarters agreement should include the most appropriate terms and conditions for the successful relocation of the Agency and its staff members to Amsterdam.	Could accept the Commission proposal as is.			

	delays that the Dutch government has already announced, which have pushed back the handover of the permanent building, on which construction work has not yet started, raise concerns about potential further delays. The relocation to the temporary building should be limited to 10,5 months to ensure that the Agency will be able to operate again at its full capacity as of 16 November 2019 and avoid further loss of expertise.			
	Article 1 – paragrap	ph 1 – introductory part		
In Regulation (EC) No 726/2004, the following Article 71a <i>is</i> inserted:	AM 5 In Regulation (EC) No 726/2004, the following Article 71a and Article 71b are inserted:	Could accept the Commission proposal as is.		
Article 1 — paragraph 1 Regulation (EC) No 726/2004 — Article 71a				
	AM 6	Could accept the Commission		
Article 71a	Article 71a	proposal as is.		
The Agency shall have its seat in Amsterdam, the Netherlands.	The Agency shall have its seat in Amsterdam, the Netherlands. The Commission and the	Preliminary comments on the amendment:		

competent authorities of the Netherlands shall take all necessary measures to ensure the Agency can move to its temporary location no later tha 1 January 2019 and that it can move to its permanent location later than 16 November 2019. The Commission and the competent authorities of the Netherlands shall submit a written report to the European Parliament and the Council of the progress on the adjustmen of the temporary premises and the construction of the perman building three months after the entry into force of this Regulation, and every three months thereafter, until the Agency has moved into its permanent headquarters.	of the relocation process. No issue of substance but the amendment should be made to the amended one (726/2004). not to the amended one (726/2004).		
Article 1 – paragraph 1 Regulation (EC) No 726/2004 - Article 71b (new)			
AM 7 Article 71b	Preliminary comments on the amendment:		
A headquarters agreement allowing the Agency to take up	While it is useful to set a deadline for the signature of the headquarter		

	duties at the premises approved by the European Parliament and the Council shall be concluded within three months from [date of entry into force of this Regulation].	agreement as indeed noted in recital 3 of the Commission proposal, neither this agreement nor the premises (building) of EMA can be subject to the approval of the Council or the Parliament. Clarification of the drafting and intention of the amendment is therefore needed.	
Article 2 – paragraph 2			
This Regulation shall apply from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.	AM 8 This Regulation shall apply from 30 March 2019.	Could accept the Commission proposal as is	

Proposal for a regulation Statement (new) AM 15 Council's preliminary comments: This is a unilateral statement which 'ATTACHMENT TO should therefore not be published REGULATION 2018/... as an integral part to the legislative STATEMENT OF THE act. Besides, the statement refers to EUROPEAN PARLIAMENT procedures that concern future selection processes, which are out The European Parliament regrets of the scope of the current that its role of co-legislator has not Regulation. been duly taken into account since it was not involved in the procedure leading to the selection of the new seat of the European Medicines Agency. The European Parliament wishes to recall its prerogatives as colegislator and insists on the full respect of the ordinary legislative procedure in relation to the location of bodies and agencies. As the only directly elected Union institution and representative of the Union's citizens, it is the first guarantor of the respect of the democratic principle in the Union. The European Parliament

condemns the procedure followed

for the selection of the new

location of the seat, which has de facto deprived the European Parliament of its prerogatives since it was not effectively involved in the process, but is now expected to simply confirm the selection made for the new location of the seat by means of the ordinary legislative procedure. The European Parliament recalls that the Common Approach annexed to the Joint Statement of the European Parliament, Council and European Commission on decentralised agencies signed in 2012 is legally non-binding, as acknowledged in the Statement itself and that it was agreed without prejudice to the legislative powers of the institutions. Therefore, the European Parliament insists that the procedure followed for the selection of a new location for the agencies will be revised and not used anymore in this form in the future. Finally, the European Parliament

wishes to recall as well that in the

Inter-institutional Agreement of 13 April 2016 on Better Law-Making ¹ the three institutions committed to sincere and transparent cooperation while recalling the equality of both colegislators as enshrined in the Treaties.	
¹ OJ L 123, 12.5.2016, p. 1.'	

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