II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

COUNCIL

COMMISSION

COURT OF JUSTICE

ECONOMIC AND SOCIAL COMMITTEE

COURT OF AUDITORS

DECISION

of 7 February 1980

amending the Decision of 16 January 1969 establishing the Office for Official Publications of the European Communities

(80/443/EEC, Euratom, ECSC)

THE EUROPEAN PARLIAMENT,

THE COUNCIL,

THE COMMISSION,

THE COURT OF JUSTICE,

THE ECONOMIC AND SOCIAL COMMITTEE,

THE COURT OF AUDITORS,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Treaty 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 of 22 July 1975, and in particular Articles 1, 11 and 19 thereof,

Having regard to the Decision of the representatives of the Governments of the Member States on the provisional location of certain institutions and departments of the Communities [1] of 8 April 1965, and in particular Article 8 thereof,

Having regard to Decision 69/13/Euratom, ECSC, EEC of 16 January 1969 establishing the Office for Official Publications of the European Communities [2],

[1] OJ No 152, 13. 7. 1967, p. 18.
[2] OJ No L 13, 18. 1. 1969, p. 19 (the English version of this Decision is shown in the Annex hereto).

Having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (1), as amended by Council Regulation (ECSC, EEC, Euratom) No 1252/79 of 25 June 1979 (2),

Whereas provision must be made for the Court of Auditors to participate in the management of the Office and to avail itself of its services in the same way as the other institutions;

Whereas, moreover, certain provisions of Decision 69/13/Euratom, ECSC, EEC may be abrogated owing to their transitional character;

Whereas, finally, certain amendments are necessary to the said Decision 69/13/Euratom, ECSC, EEC in the light of experience gained with regard to the operation of the Office,

HAVE DECIDED AS FOLLOWS:

Article 1

Decision 69/13/Euratom, ECSC, EEC is amended as follows:

1. In Article 1, a further paragraph is added as follows:

   'The following shall be recognized as institutions for purposes of this Decision: the European Parliament, the Council, the Commission, the Court of Justice, the Economic and Social Committee and the Court of Auditors.'

2. Article 2 is amended as follows:

   (a) The second indent of paragraph 1 is replaced by the following:

   '— to print or to have printed by contractors other publications of the institutions of the European Communities or their departments, with the exception of the publications falling within the terms of paragraphs 2 and 3 and Article 3 (4) and to print or to have printed any publications from independent bodies set up by Community act.'

   (b) Paragraph 3 is replaced by the following:

   '3. In addition, the internal documents of each institution may be printed in the reproduction workshops of the institutions concerned and distributed directly.'

3. Article 4 is amended as follows:

   (a) The fourth indent of paragraph 1 is replaced by the following:

   '— draw up, on the basis of a draft prepared by the Director, an annual management report covering in particular, in the light of the analytical accounts, all revenue and expenditure headings relating to the work done and services rendered by the Office; by 1 May of each year it shall send its report on the financial year just ended to the institutions.'

   (b) In the last indent of paragraph 1 the reference to Article 6 is deleted.

   (c) In the last indent of paragraph 2, the words 'specified in Article 9 (1)' are replaced by 'specified in the second paragraph of Article 1'.

4. Article 5 (5) is deleted.

5. Article 6 (1) is deleted.

6. Article 7 is replaced by the following:

   '1. The appropriations allocated to the Office for Official Publications, the total amount of which shall be shown under a separate heading within the section of the budget relating to the Commission, shall be set out in detail in an annex to that section.

   This annex shall be in the form of a statement of revenue and expenditure subdivided in the same way as the sections of the budget.

   For guidance purposes only each institution shall show in its own section of the budget a *pro forma* appropriation equivalent to the provisional estimate of the cost of the services of the Office to the institution in question.

   2. Posts at the Office shall be listed in the annex to the table showing the Commission's staff.

   3. Each institution shall act as authorizing officer for appropriations which come under the heading "publishing expenditure" for its budget. The Management Committee shall establish procedures for cooperation on accounting between the Office and the institutions.

   4. Services rendered by the Office shall be subject to *pro forma* invoicing based on tariffs established with the aid of the analytical accounts.

   5. The Office shall keep separate accounts for the sale of the *Official Journal of the European Communities*. Net receipts from sales shall be passed on to the institutions and independent bodies after the financial year has ended.'

7. Article 9 (1) of the Decision of 16 January 1969 is deleted. Paragraph 2 becomes the sole paragraph.

Article 2

This Decision shall enter into force on the 10th day following its publication in the *Official Journal of the European Communities*.

(1) OJ No L 356, 31. 12. 1977, p. 1.
(2) OJ No L 160, 28. 6. 1979, p. 1.

Done at Brussels and at Luxembourg, 7 February 1980.

For the European Parliament
The President
S. VEIL

For the Court of Justice
The President
H. KUTSCHER

For the Council
The President
B. LENIHAN

For the Economic and Social Committee
The Chairman
R. VANNI

For the Commission
The President
R. JENKINS

For the Court of Auditors
The President
M. N. MURPHY

ANNEX

DECISION

of 16 January 1969

establishing the Office for Official Publications of the European Communities

(69/13/Euratom, ECSC, EEC)

THE EUROPEAN PARLIAMENT,
THE COUNCIL,
THE COMMISSION,
THE COURT OF JUSTICE,
THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Decision of the representatives of the Governments of the Member States on the provisional location of certain institutions and departments of the Communities of 8 April 1965,

Whereas it is advisable to implement Article 8 of the Decision of the representatives of the Governments of the Member States of 8 April 1965 providing for the establishment of an Office for Official Publications to which shall be attached a Sales Offices and an Office for Medium- and Long-Term Translation and to lay down the rules for running the said Office ;

Whereas the Office for Official Publications must be run in such a way as to allow all the institutions to participate in its management and each of the institutions to benefit from the services that it is required to supply,

HAVE DECIDED AS FOLLOWS :

Article 1

The purpose of the 'Office for Official Publications of the European Communities', acting under the responsibility of the institutions of the European Communities and under optimum technical and financial conditions, shall be the publication, printing and distribution of the publications of these institutions and their departments.

Article 2

1. To this end it shall be the duty of the Office :

— to print or to have printed by contractors the *Official Journal of the European Communities,*

— to print or to have printed by contractors other publications of the institutions of the European Communities or their departments, with the exception of publications falling within the terms of paragraphs 2 and 3 and Article 3 (4),

— to manage the Sales Office.

2. Printing and distribution of the publications of the offices of the Commission's Directorate-General for Information and Press, established at locations other than the provisional locations of the Communities, may be carried out otherwise than through the Office.

3. In addition the internal publications of each institution and limited editions for a known number of recipients may be printed in the reproduction workshops of the institutions concerned and distributed directly. The Management Committee is authorized to define the concept 'limited' and if necessary to adapt it to the needs of the departments concerned.

4. The Sales Office, an integral part of the Office for Official Publications, shall be responsible for the sale of :

— the *Official Journal of the European Communities,*

— other publications of the institutions of the European Communities and their departments.

5. The operations carried out by the Office in the execution of its tasks shall include the following :

— collation of the documents for publications,

— manuscript preparation,

— conclusion of contracts with printers,

— printing of urgent documents or limited editions,

— supervision of the work being carried out,

— management of the Sales Office,

— distribution of publications.

In addition, the Office shall supply to the institutions all financial information on cost prices and the extent of potential markets for each language of the Community.

6. Every decision to publish shall remain the exclusive responsibility of each institution.

Article 3

1. A Management Committee for the Office shall be set up. Each institution shall have one vote on this Committee.

2. The Management Committee may devote some of its meetings to an appraisal of questions relating to the *Official Journal of the European Communities* or questions relating to the Sales Office.

3. Save as otherwise provided, the decisions of the Management Committee shall be taken by simple majority. However, without prejudice to the provisions of Article 2 (6), when the Management Committee is required to adopt a decision relating specifically to the publication of a text from one of the institutions, this majority must include the vote of the institution concerned.

4. At the request of an institution, the Management Committee may, under exceptional circumstances, authorize the printing of publications otherwise than through the Office in cases where involvement of the Office would appreciably increase costs or where, for technical reasons, the Office is unable to act with the urgency required in order to print and distribute a publication with the minimum of delay.

Article 4

1. In the common interest of the institutions, the Management Committee shall :

— lay down by unanimous decision the rules for the operation of the Office,

— lay down by unanimous decision the guidelines for general sales policy,

— address to the institutions any suggestion likely to improve the smooth running of the Office,

— draw up, on the basis of a draft prepared by the Director, an annual management report covering in particular, in the light of the analytical accounts, all revenue and expenditure headings relating to publications of the Office ; by 1 May of each year it shall send its report on the financial year just ended to the institutions, in particular for the purpose of establishing the budget of the Communities ; it shall also send its report to the bodies responsible for financial control,

— participate in the nomination of certain officials in accordance with the provisions of Articles 5 and 6.

2. As regards the *Official Journal of the European Communities* the Management Committee's powers shall include the following :

— to procure of the competent authorities in each institution the basic decisions for joint application by those institutions which use the Official Journal and to ensure that the decisions adopted are duly implemented ; to put forward any proposals for improving the structure and presentation of the Official Journal,

— to submit proposals to the institutions regarding the harmonization of the presentation of texts for publication,

— to examine the difficulties encountered in the course of current operations in connection with the publication of the Official Journal and to issue the necessary instructions within the Office and submit the appropriate recommendations to the institutions in order to overcome such difficulties,

— it shall decide by unanimous vote if and under what conditions publications emanating from institutions other than those specified in Article 9 (1) can be accommodated in the *Official Journal of the European Communities.* This provision shall not however apply to publications made pursuant to Community legislation.

3. The Management Committee shall adopt by unanimous decision its Rules of Procedure after having submitted them to the institutions.

Article 5

1. The powers of the appointing authority shall be exercised by the Commission as regards the Director of the Office and other officials and servants in category A and, if necessary LA, under the following conditions : the Commission shall not appoint or promote such personnel until a favourable opinion has been expressed by the Management Committee. In the case of the Director this opinion must be given by unanimous decision. Moreover, the Management Committee shall be closely involved in any procedures to be followed before the appointment of such officials or other servants (drafting of notices of vacancies, examination of applications, participation in the selection boards for competitions).

For the officials and other servants mentioned in this paragraph the same shall apply as regards official acts such as staff reports, disciplinary measures, signing of contracts.

2. The powers of the appointing authority shall be exercised by the Commission as regards officials or servants other than those mentioned in paragraph 1. The Commission may delegate these powers to the Director of the Office.

The Commission, or the Director of the Office, if the powers of the appointing authority have been delegated to him, shall inform the Management Committee in advance of every appointment, signature of contract, promotion or initiation of disciplinary measures being planned with regard to officials or servants other than those mentioned in paragraph 1. If the Commission has not delegated such powers to the Director of the Office with regard to these officials or servants such acts shall be carried out by the Commission on proposals from the Director.

3. The administrative procedures connected with the official acts mentioned in paragraphs 1 and 2, and the day-to-day management of personnel, in particular with regard to retirement, sickness insurance, accidents at work, salaries and leave, shall be carried out under the same conditions as those applying to the Commission's servants employed in Luxembourg.

4. Notices of vacancies at the Office shall be made known in good time to the officials of all the Community institutions.

5. With effect from the 1970 budget Commission posts at the Office shall be shown separately in the tables showing the Commission's staff.

Article 6

1. The posts at the Publications Departments of the Commissions and the High Authority and the staff assigned to them on 1 July 1967 may be transferred to the Office immediately the latter is established. Allocation of posts and assignment of staff to them between that date and the date on which the Office is established shall require the agreement of the Management Committee, which shall decide by a unanimous vote in the case of the allocation of the post of Director and assignment of an official to this post and by a simple majority in all other cases.

2. If the Management Committee considers that by reason of the number of posts allocated to the Office the cost of the publications is too high it shall propose to the Commission that certain posts be reallocated to the latter. The annual report shall mention these proposals and their outcome.

Article 7

1. The appropriations and revenue of the Office shall appear in each chapter of the section of the budget relating to the Commission. A recapitulative table, annexed to the section of the budget relating to the Commission, shall show the total amount of estimated expenditure and revenue for the Office subdivided in the same way as the sections of the budget.

2. Each institution shall act as authorizing officer for appropriations coming under the heading 'publications'. The Management Committee shall establish procedures for cooperation on accounting between the Office and the institutions.

3. As regards its own activities, the Office shall keep an account of the expenditure on publication incurred on behalf of each institution and also of revenue from the sale of publications. The annual balance between the Office and each institution shall be settled at the end of each financial year.

Article 8

The Director of the Office, on the authority of the Management Committee and within the limits of the powers of the latter, shall be responsible for the smooth running of the Office. He shall provide the secretariat of the Management Committee, report to that committee on the performance of his duties and submit to it any proposal for improvements to the running of the Office. He shall have official authority over the staff of the Office. Should the Director be absent or unavailable, his duties shall be performed by a member of the Office nominated by the Management Committee.

Article 9

1. The following shall be regarded as institutions for the purposes of this Decision : the European Parliament, the Council, the Commission, the Court of Justice and the Economic and Social Committee. With their agreement the Council shall represent the bodies responsible for financial control wherever their publications are involved.

2. This Decision shall enter into force on the 10th day following its publication in the *Official Journal of the European Communities.*

Done at Brussels and Luxembourg, 16 January 1969.

For the European Parliament
The President
A. POHER

For the Court of Justice
The President
R. LECOURT

For the Council
The President
V. LATTANZIO

For the Economic and Social Committee
The President
M. BERNS

For the Commission
The President
J. REY