



EFSA Implementing Rules & Financial Regulation

1. The following is submitted to the Management Board for information.
2. Upon adoption of a Commission Regulation on the implementing rules to be applied to Art.36 of the Regulation 178/2002 dealing with the networking of organisations operating in the fields within the Authority's mission, a request for adopting EFSA Implementing Rules as well as modifications to Art.74, 75 and 99 of EFSA Financial Regulation will be submitted to the Management Board through a written procedure.

In view of the entry into force of Regulation 1829/2002 on food and genetically modified animal feed, the urgency for having the Regulation on the implementing rules regarding Art.36 adopted was notified to the Director General of DG Sanco by the Executive Director. This urgency in turn cascades on the adoption of EFSA Implementing Rules and modifications to Art.74, 75 and 99 of EFSA Financial Regulation. Hence, a forthcoming written procedure.

3. In agreement with Art.25.9 of the Regulation 178/2002, the Executive Director shall obtain the approval from the EU Commission and the opinion of the Court of Auditors concerning the above mentioned modifications to EFSA Financial Regulation. The reply from the Commission will be communicated to the Management Board together with the introduction of the written procedure.

Implementing Rules

1. Art.99 of EFSA Financial Regulation provides that, awaiting a proposal from the Executive Director, the Implementing Rules applicable to the general budget of the communities shall apply *mutatis mutandis*.
2. EFSA implementing rules are an indispensable accompaniment to EFSA Financial Regulation. They contain the detailed and more technical rules which are essential for applying the Financial Regulation. Taken together, these two instruments constitute the extensive body of rules required to meet the needs of modern financial management.
3. The Implementing Rules will incorporate the provisions of Regulation on the implementing rules to be applied to Art.36 of the Regulation 178/2002 setting up the rules specifying, in particular, the criteria for inclusion of an institute on the list of competent organisations designated by the Member States, the arrangements for setting out harmonised quality requirements and the financial rules governing any financial support.

Financial Regulation

1. The adoption of Regulation on the implementing rules to be applied to Art.36 of the Regulation 178/2002 and the Implementing Rules concurrently requires some technical modifications to the Financial Regulation.
2. Art.99
 - Old : The Management Board decides that ad interim and awaiting a proposal from the Executive Director the implementing rules applicable to the general budget of the Communities shall apply mutatis mutandis
 - New : The Management Board shall adopt detailed rules for implementing the Financial Regulation of the Authority, on a proposal from its Executive Director
3. Art.75
 - Old : Where the Authority may award grants in accordance with its Authority's founding Regulation, especially Article 36.2 thereof, the relevant provisions of the general Financial Regulation and the detailed rules for implementing that Regulation shall apply.
 - New : Where the Authority may award grants in accordance with its Authority's founding Regulation, especially Article 36.2 thereof, the relevant provisions of (i) the general Financial Regulation, (ii) the detailed rules for implementing that Regulation and (iii) the Regulation [on the implementing rules to be applied to Art.36 of the Regulation 178/2002] shall apply except where otherwise provided for by the Implementing Rules adopted by the Authority in order to meet its specific needs and pursuant to Article 99 of this Regulation.
4. Art.74
 - Old : As regards procurement, the relevant provisions of the general Financial Regulation and the detailed rules for implementing that Regulation shall apply.
 - New : As regards procurement, the relevant provisions of the general Financial Regulation and the detailed rules for implementing that Regulation shall apply except where otherwise provided for by the Implementing Rules adopted by the Authority in order to meet its specific needs and pursuant to Article 99 of this Regulation.

This document contains the following annexes :

- I. Proposed Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation for the Authority
- II. Lettre adressée par le Directeur Exécutif au Directeur Général de la DG Sanco concernant le projet de règlement de la Commission portant application de l'article 36 du Règlement 178/2002