



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 1 February 2013**

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**ADDENDUM TO "I/A" ITEM NOTE**

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from: Budget Committee  
to: Permanent Representatives Committee/Council

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Subject: Discharge to be given to the bodies set up under the TFEU and the Euratom Treaty  
in respect of the implementation of the budget for the financial year 2011  
- Draft Council recommendations

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director General**  
**of the Euratom Supply Agency**  
**in respect of the implementation of the budget**  
**of the Euratom Supply Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2008/114/EC, Euratom of 12 February 2008 establishing Statutes for the Euratom Supply Agency<sup>1</sup>, and in particular Article 8(9) of the Annex thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 41, 15.2.2008, p. 15.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure account for the financial year 2011 and the balance sheet at 31 December 2011 of the Euratom Supply Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director General of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 171.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation and the accounting rules adopted by the Commission's accounting officer, and that the underlying transactions for that financial year are legal and regular. Nevertheless, one observation needs to be made.

As last year, the Council notes the Court's observation that no specific budget has been established for the Agency since 2008, whereas it should have financial autonomy according to the Treaty Establishing the European Atomic Energy Community. It also notes the Court's request to the Commission and the Agency to take the appropriate measures to remedy this situation and the subsequent action taken by the Commission.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Centre for the Development of Vocational Training**  
**in respect of the implementation of the budget**  
**of the European Centre for the Development of Vocational Training**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training<sup>1</sup>, as last amended by Council Regulation (EC) No 2051/2004 of 25 October 2004<sup>2</sup>, and in particular Article 12a(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 39, 13.2.1975, p. 1.

<sup>2</sup> OJ L 355, 1.12.2004, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Centre for the Development of Vocational Training, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2011, accompanied by the Centre's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 17.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE CENTRE**

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Centre to continue to improve its financial programming and monitoring of the budget implementation in order to improve budget execution and to reduce the number of budgetary transfers and the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council regrets the delays between the receipt of invoices and the payment of grants. Nevertheless, it welcomes the actions taken by the Centre to reduce these delays.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Foundation for the Improvement of Living and Working Conditions**  
**in respect of the implementation of the budget**  
**of the European Foundation for the Improvement of Living and Working Conditions**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions<sup>1</sup>, as last amended by Council Regulation (EC) No 1111/2005 of 24 June 2005<sup>2</sup>, and in particular Article 16(11) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 139, 30.5.1975, p. 1.

<sup>2</sup> OJ L 184, 15.7.2005, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Foundation for the Improvement of Living and Working Conditions, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2011, accompanied by the Foundation's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 174.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE FOUNDATION**

The Council welcomes the Court's opinion that, in all material respects, the Foundation's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Foundation's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Foundation to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council encourages the Foundation to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Environment Agency**  
**in respect of the implementation of the budget**  
**of the European Environment Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (codified version)<sup>1</sup>, and in particular Article 13(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 126, 21.5.2009, p. 13.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Environment Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 80.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council notes the Court's observation that the Agency's Executive Director was a member of the organisation's board of trustees until April 2011 and that this constitutes an apparent conflict of interest. It notes that this was rectified. The Council, while appreciating the strengthened conflict of interest policy within the Agency, emphasises once again its importance in order to avoid any further problems in the future.

Furthermore, the Council, while welcoming the efforts already made by the Agency to improve the transparency in recruitment procedures, encourages the Agency to continue implementing the Court's recommendations aiming at correcting any outstanding weaknesses in the Agency's staff selection practices.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Training Foundation**  
**in respect of the implementation of the budget**  
**of the European Training Foundation**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1339/2008 of the European Parliament and of the Council of 16 December 2008 establishing a European Training Foundation (recast)<sup>1</sup>, and in particular Article 17(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 354, 31.12.2008, p. 82.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Training Foundation, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2011, accompanied by the Foundation's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 165.



**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE FOUNDATION**

The Council welcomes the Court's opinion that, in all material respects, the Foundation's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Foundation's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council, sharing the Court's view, calls on the Foundation to adopt and implement a treasury policy in order to minimise and spread the financial risk.

It encourages the Foundation to remedy the weaknesses identified by the Court on the lack of countersignature of some of the Foundation's contracts.

The Council expresses its concern regarding the uncertain situation of the Foundation's premises and calls on the Foundation, in collaboration with other stakeholders, to pursue its efforts to solve this issue.

Finally, the Council encourages the Foundation to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Medicines Agency**  
**in respect of the implementation of the budget**  
**of the European Medicines Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004, laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency<sup>1</sup>, as last amended by Regulation (EU) No 1235/2010 of the European Parliament and of the Council of 15 December 2010<sup>2</sup>, and in particular Article 68(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 136, 30.4.2004, p. 1.

<sup>2</sup> OJ L 348, 31.12.2010, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Medicines Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 116.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council notes the Court's findings in relation to the Agency's decision to increase the financial envelope of a framework contract where the Court had found irregularities, and which had given rise to the Court's qualified opinion in 2009. It notes that the Agency started preparing in 2011 a new framework contract. Moreover, the Council calls on the Agency to take actions to remedy the weaknesses found by the Court in the transparency of its procurement procedures.

In addition, the Council regrets the shortcomings detected by the Court in the transparency of the recruitment procedures, including the irregularities found regarding the conflict of interest declarations of the Selection Board members, and expects this to be fully remedied by the Agency.

With respect to the Court's observations regarding the lack of a remuneration system for services provided by Member States' national authorities, the Council urges the Agency to ensure that measures are taken in the recommended direction.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Monitoring Centre for Drugs and Drug Addiction**  
**in respect of the implementation of the budget**  
**of the European Monitoring Centre for Drugs and Drug Addiction**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1920/2006 of the European Parliament and the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)<sup>1</sup>, and in particular Article 15(9) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 376, 27.12.2006, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Monitoring Centre for Drugs and Drug Addiction, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2011, accompanied by the Centre's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

For the Council  
The President

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<sup>1</sup> OJ C 388, 15.12.2012, p. 123.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE CENTRE**

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Centre to improve its internal budgetary procedures in order to ensure the adequate decommitment of appropriations not related to any existing legal obligation.

The Council is also concerned about the unused office space both in the Centre's former building and in its new headquarters. It encourages the Centre to address this issue in cooperation with the Commission and National Authorities.

Regarding the Centre's supervisory and control systems, the Council regrets that neither a treasury policy nor a comprehensive policy on exceptions have been adopted.

Finally, the Council encourages the Centre to pursue its efforts to address the shortcomings detected by the Court in its procurement and recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Agency for Safety and Health at Work**  
**in respect of the implementation of the budget**  
**of the European Agency for Safety and Health at Work**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work<sup>1</sup>, as last amended by Council Regulation (EC) No 1112/2005 of 24 June 2005<sup>2</sup>, and in particular Article 14(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 216, 20.8.1994, p. 1.

<sup>2</sup> OJ L 184, 15.7.2005, p. 5.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.



Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Agency for Safety and Health at Work, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

For the Council  
The President

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<sup>1</sup> OJ C 388, 15.12.2012, p. 219.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council calls on the Agency to improve its financial programming and monitoring of the budget implementation, in order to reduce the amounts cancelled at the end of the following year to the minimum necessary, in line with the budgetary principle of annuality.

With respect to the Court's observations on delegations made by the authorising officer, and on the shortcomings in the management of the fixed assets inventory, the Council takes note that the Agency has taken measures in the recommended direction.

The Council encourages the Agency to pursue its efforts to conclude its seat agreement.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Union Agency for Fundamental Rights**  
**in respect of the implementation of the budget**  
**of the European Union Agency for Fundamental Rights**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights<sup>1</sup>, and in particular Article 21(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 53, 22.2.2007, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Union Agency for Fundamental Rights, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Welcoming that the observations in the Court of Auditors' report in relation to the financial year 2011 do not call for any comment by the Council,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 196.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the Translation Centre for the Bodies of the European Union**  
**in respect of the implementation of the budget**  
**of the Translation Centre for the Bodies of the European Union**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union<sup>1</sup>, as last amended by Council Regulation (EC) No 1645/2003 of 18 June 2003<sup>2</sup>, and in particular Article 14(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 314, 7.12.1994, p. 1.  
<sup>2</sup> OJ L 245, 29.9.2003, p. 13.  
<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the Translation Centre for the Bodies of the European Union, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2011, accompanied by the Centre's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for a comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 12.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE CENTRE**

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Centre's Financial Regulation and the accounting rules adopted by the Commission's accounting officer, and that the underlying transactions for that financial year are legal and regular. Nevertheless, one observation needs to be made.

The Council welcomes the fact that the accumulated budget surplus decreased from EUR 9.2 million in 2010 to EUR 3 million in 2011 and calls on the Centre to continue this positive trend.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Maritime Safety Agency**  
**in respect of the implementation of the budget**  
**of the European Maritime Safety Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency<sup>1</sup>, as last amended by Regulation (EC) No 2038/2006 of 18 December 2006<sup>2</sup>, and in particular Article 19(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 208, 5. 8. 2002, p. 1.

<sup>2</sup> OJ L 394, 30.12.2006, p. 1, with Corrigendum in OJ L 30, 3.2.2007, p. 12.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.



Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Maritime Safety Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 129.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its internal budgetary procedures in order to ensure the adequate decommitment of appropriations not related to any existing legal obligation.

The Council regrets that the Court detected important deficiencies in the Agency's asset management and urges the Agency to continue to review its procedures and to implement the necessary improvements.

Finally, the Council encourages the Agency to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Aviation Safety Agency**  
**in respect of the implementation of the budget**  
**of the European Aviation Safety Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency<sup>1</sup>, as last amended by Regulation (EC) No 1108/2009 of 21 October 2009<sup>2</sup>, and in particular Article 60(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 79, 19.3.2008, p. 1.

<sup>2</sup> OJ L 309, 24.11.2009, p. 51.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Aviation Safety Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 53.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council is concerned about the Court's findings that an important cross-title transfer operation took place without the approval of the Agency's management board and despite a low implementation rate on the budget lines concerned. The Council recalls that this situation does not comply with the budgetary principle of specification and calls on the Agency to improve its budget planning and implementation, in full respect of the budgetary principle of sound financial management and in compliance with the Financial Regulation.

Furthermore, the Council recalls that in line with the budgetary principle of annuality carry-overs should be strictly limited.

The Council also regrets that the Court found deficiencies in the Agency's asset management and urges the Agency to take appropriate action with a view to reviewing the procedures and implementing the necessary improvements.

In terms of the financial risk management, the Council notes the weaknesses identified by the Court in the Agency's treasury policy and calls on the Agency to remedy them without delays.

The Council encourages the Agency to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

The Council urges the Agency to further develop its policies and procedures for the management of conflict of interest situations.

Finally, the Council recommends the Agency to obtain an independent external estimate of its future dilapidation costs.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Food Safety Authority**  
**in respect of the implementation of the budget**  
**of the European Food Safety Authority**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>1</sup>, as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009<sup>2</sup>, and in particular Article 44(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 31, 1.2.2002, p. 1.

<sup>2</sup> OJ L 188, 18.7.2009, p. 14.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Food Safety Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2011, accompanied by the Authority's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 92.



**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council stresses the importance of carrying out a thorough expenditure planning and is concerned about the deficiencies highlighted by the Court in the Authority's budgetary and financial management.

As for the payment schedule related to the purchase of the Authority's headquarters building, the Council takes note of the Court's observation that the Authority did not put forward for consideration a more economic alternative.

Finally, the Council regrets the shortcomings detected by the Court in the transparency of the recruitment procedures, including the irregularities found regarding the conflict of interest declarations of the Selection Board members, and expects this to be fully remedied by the Authority.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Administrative Director**  
**of Eurojust**  
**in respect of the implementation of the budget**  
**of Eurojust**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>1</sup>, as last amended by Council Decision 2009/426/JHA of 16 December 2008<sup>2</sup>, and in particular Article 36(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 63, 6.3.2002, p. 1.

<sup>2</sup> OJ L 138, 4.6.2009, p. 14.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of Eurojust, as well as the Court of Auditors' report on the annual accounts of Eurojust for the financial year 2011, accompanied by Eurojust's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of Eurojust is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Administrative Director of Eurojust in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 180.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO EUROJUST**

The Council welcomes the Court's opinion that, in all material respects, Eurojust's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of Eurojust's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges Eurojust to continue to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

Furthermore, the Council takes note of the Court's observation that there is still scope to reconsider the roles and responsibilities of both its Director and its College in order to avoid any accountability overlap.

Finally, the Council regrets that Eurojust has not yet adopted all Implementing Rules of the Staff Regulations and the shortcomings detected by the Court in some recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Network and Information Security Agency**  
**in respect of the implementation of the budget**  
**of the European Network and Information Security Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency<sup>1</sup>, as amended by Regulation (EU) No 580/2011 of the European Parliament and of the Council of 8 June 2011<sup>2</sup>, and in particular Article 17(11) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 77, 13.3.2004, p. 1.

<sup>2</sup> OJ L 165, 24.6.2011, p. 3.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Network and Information Security Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 135.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council takes note of the weaknesses identified by the Court in the Agency's assets management and the corrective action taken by the Agency.

Finally, as in previous years, the Council is concerned about the weaknesses identified by the Court in the Agency's selection procedures and urges the Agency to take the necessary measures to ensure transparency in the recruitment process.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Centre for Disease Prevention and Control**  
**in respect of the implementation of the budget**  
**of the European Centre for Disease Prevention and Control**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control<sup>1</sup>, and in particular Article 23(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 142, 30.4.2004, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.



Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Centre for Disease Prevention and Control, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2011, accompanied by the Centre's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 66.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE CENTRE**

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular with the exception of the matter described below. Nevertheless, some observations need to be made.

The Council regrets the Court's qualified opinion regarding the irregularities detected in the management of one framework contract, leading to payments above the threshold set in the framework contract.

Moreover, the Council notes with concern the weaknesses identified by the Court in the management of several contracts, including the non-compliance with the Centre's Implementing Rules to its Financial Regulation, the lack of a clear link between the technical specifications, the award criteria and the pricing structure, as well as the ineligibility of expenditure for activities carried out before the signature of the grant agreement.

As last year, the Council notes that the level of carry-overs still remains high. Therefore, it urges the Centre to intensify its efforts to improve its planning and implementation of the budget, in line with the budgetary principle of annuality.

Finally, the Council encourages the Centre to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Railway Agency**  
**in respect of the implementation of the budget**  
**of the European Railway Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency<sup>1</sup>, as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008<sup>2</sup>, and in particular Article 39(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 164, 30.4.2004, p. 1, with Corrigendum in OJ L 220, 21.6.2004, p. 3.

<sup>2</sup> OJ L 354, 31.12.2008, p. 51.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Railway Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 145.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council welcomes the improved rate of budget implementation and the low level of carry-overs. However, it notes with concern that the level of unused payment appropriations for operational expenditure is still high and requests the Agency to respect more rigorously the budgetary principle of annuality.

The Council also invites the Agency to take appropriate measures to ensure full transparency and equal treatment of candidates during recruitment procedures and to take preventive steps in the management of its short-term staff contracts in order to avoid disruptions in the Agency's activities.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Agency for the Management of Operational Cooperation at the External**  
**Borders of the Member States of the European Union**  
**in respect of the implementation of the budget**  
**of the European Agency for the Management of Operational Cooperation at the External**  
**Borders of the Member States of the European Union**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>1</sup>, as last amended by Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011<sup>2</sup>, and in particular Article 30(9) thereof,

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<sup>1</sup> OJ L 349, 25.11.2004, p. 1.

<sup>2</sup> OJ L 304, 22.11.2011, p. 1.

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>1</sup>, and in particular Article 208(2) thereof,

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>2</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> OJ L 298, 26.10.2012, p. 1.

<sup>2</sup> OJ C 388, 15.12.2012, p. 202.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

As in previous years, the Council recalls that the Agency should reduce the high amount of appropriations carried over to the next financial year, in line with the budgetary principle of annuality. Moreover, the Council regrets the use of global commitments to justify the carry-over of non-differentiated appropriations.

The Council recommends the Agency to set up and implement a policy on *ex-ante* controls, including the submission and check of supporting documents, in order to detect ineligible expenditure. Likewise, the Council invites the Agency to address the weaknesses detected by the Court in the management of fixed assets.

Finally, and as last year, the Council regrets that the Agency's accounting system has not yet been validated by the Accounting Officer.



**Draft COUNCIL RECOMMENDATION  
of  
on the discharge to be given to the Director  
of the European Police College  
in respect of the implementation of the budget  
of the European Police College  
for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College<sup>1</sup>, and in particular Article 16(9) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 256, 1.10.2005, p. 63.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Police College, hereinafter referred to as the "College", as well as the Court of Auditors' report on the annual accounts of the College for the financial year 2011, accompanied by the College's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the College is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the College in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 23.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE COLLEGE**

The Council welcomes the Court's opinion that, in all material respects, the College's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the College's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the College to continue to improve its financial programming and monitoring of the budget implementation in order to improve budget execution and to reduce the number of budgetary transfers and the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

Moreover, the Council encourages the College to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European GNSS Agency**  
**in respect of the implementation of the budget**  
**of the European GNSS Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency<sup>1</sup>, repealing Council Regulation (EC) No 1321/2004 of 12 July 2004<sup>2</sup>, and in particular Article 14(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 276, 20.10.2010, p. 11.

<sup>2</sup> OJ L 246, 20.7.2004, p. 1, with Corrigendum in OJ L 6, 11.1.2007, p. 10.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European GNSS Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 208.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to implement tighter controls in order to ensure an effective verification of the expenditure claimed by the beneficiaries of grants under the Sixth and Seventh Framework Programmes for Research and Development. Moreover, the Council takes note of the Agency's plan to recover most of the amounts incorrectly disbursed and will pay the utmost attention to its implementation.

The Council notes with interest the recent implementation of improved financial procedures aimed at reducing payment delays.

The Council welcomes the Court's finding that the grounds on which its qualified opinion on the Agency's 2010 accounts was based no longer exist. It takes note of the actions taken by the Agency regarding the accounting treatment of tangible fixed assets related to the Galileo Satellite programme.

Finally, the Council encourages the Agency to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Fisheries Control Agency**  
**in respect of the implementation of the budget**  
**of the European Fisheries Control Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency<sup>1</sup>, as amended by Council Regulation (EC) No 1224/2009 of 20 November 2009<sup>2</sup>, and in particular Article 36(11) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 128, 21.5.2005, p. 1.

<sup>2</sup> OJ L 343, 22.12.2009, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Fisheries Control Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 86.



**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its procurement and accounting procedures in line with the Court's recommendations.

The Council fully supports the Court's observations on the need to further improve staff selection procedures and urges the Agency to thoroughly address its deficiencies in this area.

Furthermore, the Council regrets that the regulations governing appointments to key posts were contravened in the course of the procedure concerning the post of Executive Director.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Chemicals Agency**  
**in respect of the implementation of the budget**  
**of the European Chemicals Agency**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 establishing a European Chemicals Agency<sup>1</sup>, as last amended by Commission Regulation (EU) No 494/2011 of 20 May 2011<sup>2</sup>, and in particular Article 97(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 396, 30.12.2006, p. 1, with Corrigenda in OJ L 136, 29.5.2007, p. 3, OJ L 141, 31.5.2008, p. 22 and OJ L 36, 5.2.2009, p. 84.

<sup>2</sup> OJ L 134, 21.5.2011, p. 2, with Corrigendum in OJ L 136, 24.5.2011, p. 105.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Chemicals Agency, hereinafter referred to as the "Agency", and the report by the Court of Auditors on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 73.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

Furthermore, the Council encourages the Agency to thoroughly implement its recently formalised fixed asset management policy and its cost accounting project in order to overcome the deficiencies identified in its supervisory and control systems.

Finally, the Council regrets the shortcomings detected by the Court in the transparency of the recruitment procedures, including the irregularities found regarding the conflict of interest declarations of the Selection Board members, and expects this to be fully remedied by the Agency.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Institute for Gender Equality**  
**in respect of the implementation of the budget**  
**of the European Institute for Gender Equality**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 establishing a European Institute for Gender Equality<sup>1</sup>, and in particular Article 15(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 403, 30.12.2006, p. 9.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Institute for Gender Equality, hereinafter referred to as the "Institute", and the report by the Court of Auditors on the annual accounts of the Institute for the financial year 2011, accompanied by the Institute's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for some comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Institute in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 98.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE INSTITUTE**

The Council welcomes the Court's opinion that, in all material respects, the Institute's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Institute to continue to improve its financial programming and its monitoring of the budget implementation in order to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

It calls on the Institute to improve the management of fixed assets, the documentation of physical inventory and the estimation of accrued charges.

The Council welcomes the remedial action taken by the Institute for implementing the recommendations made by the Commission's Internal Audit Service and encourages the Institute to pursue its efforts.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Police Office**  
**in respect of the implementation of the budget**  
**of the European Police Office**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)<sup>1</sup>, and in particular Article 43(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 121, 15.5.2009, p. 37.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.



Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Police Office, hereinafter referred to as "Europol", as well as the Court of Auditors' report on the annual accounts of Europol for the financial year 2011, accompanied by Europol's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of Europol is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of Europol in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 187, with Corrigendum in OJ C 28, 30.1.2013, p. 14.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO EUROPOL**

The Council welcomes the Court's opinion that, in all material respects, Europol's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of Europol's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges Europol to continue to improve its financial programming and monitoring of the budget implementation in order to improve budget execution and to reduce the number of budgetary transfers and the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

Regarding Europol's supervisory and control systems, the Council is concerned about the weaknesses detected by the Court. It regrets that the procedures concerning the management of exceptions are not yet adopted and that the accounting system has not been fully validated by the Accounting Officer. Moreover, the Council recommends to further improve the preparation, execution and documentation of procurement procedures.

The Council urges Europol to adopt Implementing Rules, as referred to in its Financial Regulation.

Furthermore, the Council encourages Europol to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

Finally, the Council recalls that the provisions in the EU Staff Regulations regarding the carry-over of untaken annual leave to the following year must be respected.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the Agency for the Cooperation of Energy Regulators**  
**in respect of the implementation of the budget**  
**of the Agency for the Cooperation of Energy Regulators**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators<sup>1</sup>, and in particular Article 24(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 211, 14.8.2009, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the Agency for the Cooperation of Energy Regulators, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2011, accompanied by the Agency's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 1.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the Agency to improve its financial programming and monitoring of the budget implementation in order to improve budget execution and to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

In addition, the Council encourages the Agency to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

Finally, the Council regrets the irregular payments made in favour of national seconded experts and urges the Agency to ensure a strict application of the relevant rules.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Management Committee**  
**of the Office of the Body of European Regulators for Electronic Communications**  
**in respect of the implementation of the budget**  
**of the Office of the Body of European Regulators for Electronic Communications**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office<sup>1</sup>, and in particular Article 13(10) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 337, 18.12.2009, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the Office of the Body of European Regulators for Electronic Communications, hereinafter referred to as the "Office", as well as the Court of Auditors' report on the annual accounts of the Office for the financial year 2011, accompanied by the Office's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Office is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Management Committee of the Office in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 8.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE OFFICE**

The Council welcomes the Court's opinion that, in all material respects, the Office's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Office's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council regrets that the budget adopted for 2011 showed an insufficient level of detail (articles and items) contrary to the budgetary principle of specification. It also regrets the irregularities concerning the appropriations carried over to 2012.

Moreover, with respect to the Office's supervisory and control systems, the Council urges the Office to implement complete administrative rules and practices.

Finally, the Council encourages the Office to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.



**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Banking Authority**  
**in respect of the implementation of the budget**  
**of the European Banking Authority**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority)<sup>1</sup>, amending Decision No 716/2009/EC<sup>2</sup> and repealing Commission Decision 2009/78/EC<sup>3</sup>, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>4</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 331, 15.12.2010, p. 12.

<sup>2</sup> OJ L 253, 25.9.2009, p. 8.

<sup>3</sup> OJ L 25, 29.1.2009, p. 23.

<sup>4</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Banking Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2011, accompanied by the Authority's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 60.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

In line with the budgetary principle of annuality, the Council calls on the Authority to pay due attention to a proper budget planning and implementation in order to improve the low implementation rate of commitments.

The Council also notes that the Authority has taken action to clarify the procedure regarding reimbursement of the positive budget outturn and has come to an agreement with the Commission's services.

Furthermore, the Council urges the Authority to correct weaknesses in its public procurement procedures and to ensure their compliance with the provisions of the Financial Regulation.

Finally, the Council calls on the Authority to speed up the validation process of its accounting system and to address the weaknesses identified in its staff selection and recruitment procedures.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Securities and Markets Authority**  
**in respect of the implementation of the budget**  
**of the European Securities and Markets Authority**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority)<sup>1</sup>, amending Decision No 716/2009/EC<sup>2</sup> and repealing Commission Decision 2009/77/EC<sup>3</sup>, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>4</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 331, 15.12.2010, p. 84.

<sup>2</sup> OJ L 253, 25.9.2009, p. 8.

<sup>3</sup> OJ L 25, 29.1.2009, p. 18.

<sup>4</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Securities and Markets Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2011, accompanied by the Authority's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 157.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

In line with the budgetary principle of annuality, the Council calls on the Authority to pay due attention to proper budget planning and implementation in order to improve the low implementation rate of commitments in the future. Furthermore, the Council notes with concern the irregular nature of some appropriations carried over to 2012 and urges the Authority to remedy this situation without delay.

The Council also notes that the Authority has taken action to clarify the procedure regarding reimbursement of the positive budget outturn and has come to an agreement with the Commission's services.

The Council notes, however, that after one year of activity the Authority has not yet formalised all necessary supervisory and control systems in line with the provisions of the Financial Regulation. In this respect, it urges the Authority to remedy the weaknesses identified by adopting internal control standards and by improving its management of fixed assets.

It also urges the Authority to conclude an interinstitutional agreement with the European Anti-Fraud Office, in full compliance with the Financial Regulation.

Finally, the Council urges the Authority to adopt its Implementing Rules to the Staff Regulations and to address the weaknesses identified by the Court in its recruitment procedures.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the European Insurance and Occupational Pensions Authority**  
**in respect of the implementation of the budget**  
**of the European Insurance and Occupational Pensions Authority**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority)<sup>1</sup>, amending Decision No 716/2009/EC<sup>2</sup> and repealing Commission Decision 2009/79/EC<sup>3</sup>, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>4</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 331, 15.12.2010, p. 48.

<sup>2</sup> OJ L 253, 25.9.2009, p. 8.

<sup>3</sup> OJ L 25, 29.1.2009, p. 28.

<sup>4</sup> OJ L 298, 26.10.2012, p. 1.



Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Insurance and Occupational Pensions Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2011, accompanied by the Authority's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 104.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

In line with the budgetary principle of annuality, the Council calls on the Authority to pay due attention to a proper budget planning and implementation in order to improve the low implementation rate of commitments in the future.

The Council calls on the Authority to take the necessary steps to validate its accounting system.

Furthermore, the Council regrets the irregularities found by the Court regarding the award criteria in the audited procurement procedures, but welcomes the Authority's efforts to align its procurement procedures to the provisions of the Financial Regulation.

Finally, the Council encourages the Authority to pursue its efforts to address the shortcomings detected by the Court in its staff recruitment procedures.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Institute of Innovation and Technology**  
**in respect of the implementation of the budget**  
**of the European Institute of Innovation and Technology**  
**for the financial year 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology<sup>1</sup>, and in particular Article 21(4) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

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<sup>1</sup> OJ L 97, 9.4.2008, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2011 and the balance sheet at 31 December 2011 of the European Institute of Innovation and Technology, hereinafter referred to as the "Institute", as well as the Court of Auditors' report on the annual accounts of the Institute for the financial year 2011, accompanied by the Institute's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2011 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Institute in respect of the implementation of the budget for the financial year 2011.

Done at Brussels,

*For the Council*  
*The President*

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<sup>1</sup> OJ C 388, 15.12.2012, p. 110.

**COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION  
ON THE DISCHARGE TO BE GIVEN TO THE INSTITUTE**

The Council welcomes the Court's opinion that, in all material respects, the Institute's annual accounts present fairly its financial position as at 31 December 2011 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council notes with concern that the Institute's budget was significantly overestimated and that the rate of execution was low, in particular as regards staff expenditure. The Council urges the Institute to adopt a more realistic approach when planning its budget.

The Council welcomes the efforts made by the Institute to improve the management of its grant agreements in line with the budgetary principle of sound financial management.