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'I/A' ITEM NOTE

From: Budget Committee

To: Permanent Representatives Committee/Council

Subject: Council conclusions on the European Court of Auditors' special report No 17/2022: External consultants at the European Commission – Scope for reform
- Approval

1. On 7 September 2022, the Permanent Representatives Committee instructed the Budget Committee to examine the European Court of Auditors' special report No 17/2022 entitled "External consultants at the European Commission – Scope for reform"¹ and to draw the relevant conclusions².
2. On 28 September 2022, the Budget Committee reached an agreement on the draft Council conclusions annexed hereto, on the basis of a proposal presented by the Presidency.
3. It is suggested that the Permanent Representatives Committee advise the Council to approve the draft Council conclusions in the Annex as an "A" item on the agenda of a forthcoming meeting.

¹ OJ C 214, 31.05.2022, p. 42.

² Doc. 9965/22.

DRAFT COUNCIL CONCLUSIONS

on the European Court of Auditors' special report No 17/2022: External consultants at the European Commission – Scope for reform

THE COUNCIL OF THE EUROPEAN UNION:

- (1) WELCOMES the Special Report No 17/2022 by the European Court of Auditors (hereafter referred to as “the Court”) and the replies of the European Commission to the Report;
- (2) TAKES NOTE that the Commission contracts about EUR 1 billion in operational spending each year on external consultants’ services, using them to support it in a wide range of consultancy, study, evaluation and research activities and that more than half of the total value of the contracts was financed under heading 4 “Global Europe” of the previous MFF;
- (3) ACKNOWLEDGES the findings of the report and REGRETS notably that:
 - the Commission’s management of the use of external consultants did not ensure that it maximizes value for money nor fully safeguards its interests;
 - the Commission did not consistently assess the performance of external consultants and, apart from studies and evaluations, did not share information about these assessments across its directorates-general;
 - the Commission does not systematically report information on its use of external consultants’ services and there is no reporting at corporate-level;
 - the Commission’s framework governing the use of external consultants had significant gaps, in particular regarding consultancy and research, which represent the bulk of the amount contracted out to external consultants;

- (4) SHARES the Commission's opinion that the audit findings do not make a case for a fundamental reform of the use of external consultancy services, but WELCOMES the fact that the Commission has accepted all the Court's recommendations and outlined, in its answers, concrete improvements of the existing framework;
- (5) INVITES the Commission, when implementing the Recommendations, in particular Recommendation 1, of the report, to consider, among other things, the budgetary implications of outsourcing activities and processes against keeping them as tasks for its own staff, while ensuring the optimization of staff resources at the current level and seeking efficiency gains, including by deepening interinstitutional cooperation. Reporting should be improved via the documents provided in the Commissions' Statement of Estimates. Furthermore, ENCOURAGES the Commission, when implementing Recommendation 2, to avoid concentration and overdependence, including, where appropriate, by undertaking measures to widen the pool of available experts;
- (6) EXPECTS the Commission, as recommended by the Court, to make sure that the results of external consultancy are used to the fullest and disseminated throughout its services and to share them with the other EU institutions in a timely manner, and ENCOURAGES the Commission to find ways to make these results available to the general public for the benefit of transparency towards the citizens, with full respect of data protection requirements and confidentiality.
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