



Brussels, 16 February 2023
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6247/23

FIN 160
PE-L 7

NOTE

From:	Budget Committee
To:	Permanent Representatives Committee/Council
Subject:	Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2021 – <i>Adoption</i> – <i>Approval of a letter</i>

1. The Budget Committee examined the Court's annual report concerning the financial year 2021¹, including its report on the performance of the EU budget - Status at the end of 2021², in January and February 2023.
2. The annual report contains an assessment of the reliability of the consolidated accounts of the EU and the legality and regularity of the underlying transactions for the revenue and expenditure side of the EU budget, which form the basis for the Court's Statement of Assurance (DAS).
3. The Court concluded that the revenue for the financial year 2021 is legal and regular and free from material error.

¹ OJ C 391, 12.10.2022, p. 6.

² OJ C 429, 11.11.2022, p. 6.

4. The Court issued an adverse opinion on the legality and regularity of expenditure after finding that high-risk expenditure (mainly spending on a reimbursement basis, which is subject to complex rules) is affected by material error, that it represents well over half of the audit population and that its proportion has increased compared to the previous year. Therefore, the Court considered that, similarly to the previous two years, the errors in expenditure were pervasive.
5. On 15 February 2023, the Budget Committee reached an agreement on a draft Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2021. The text is set out in Addendum 1 to this note.
6. In accordance with Regulation (EU, Euratom) 2018/1046³, and in particular Article 70(4) thereof, and the Financial Regulations of each body, the Council is required to draw up recommendations to the European Parliament on a discharge to be given to the bodies set up under the TFEU and the Euratom Treaty and which have legal personality and receive contributions charged to the budget. These draft recommendations are submitted for adoption by the Council as a separate “A” item⁴.

³ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU, and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁴ Doc. 6248/23 ADD 1.

7. Furthermore, in accordance with Council Regulation (EC) No 58/2003⁵ of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes, and in particular Article 14(3) thereof, and Commission Regulation (EC) No 1653/2004⁶ of 21 September 2004 on a standard financial regulation for the executive agencies and in particular the first paragraph of Article 66 thereof, the Council is required to draw up recommendations to the European Parliament on a discharge to be given to the executive agencies. These draft recommendations are also submitted for adoption by the Council as a separate “A” item⁷.
8. Moreover, in accordance with the relevant establishing acts and Article 70(4) of Regulation (EU, Euratom) 2018/1046, the Council is required to draw up recommendations to the European Parliament on a discharge to be given to the joint undertakings. These draft recommendations are also submitted for adoption by the Council as a separate “A” item⁸.
9. The Permanent Representatives Committee is invited to suggest that the Council:
- adopt the Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2021 as set out in Addendum 1;
 - approve the general comments accompanying the recommendation, as contained in the ANNEX to the same Addendum 1;
 - instruct the President of the Council to have the abovementioned Council recommendation, together with the comments accompanying it, forwarded to the European Parliament, and approve the draft letter in the ANNEX to that effect.

⁵ OJ L 11, 16.1.2003, p. 1

⁶ OJ L 297, 22.9.2004, p. 6.

⁷ Doc. 6250/23 ADD 1.

⁸ Doc. 6252/23 ADD 1.

DRAFT LETTER

from: President of the Council

to: President of the European Parliament

Dear President,

In accordance with Article 319(1) of the Treaty on the Functioning of the European Union, I am forwarding under separate cover¹ the Council recommendation of 14 March 2023 on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2021.

[Complimentary close]

¹ Doc. 6247/23 + ADD 1.