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INST 136
PE-L 14

'I' ITEM NOTE

From: Budget Committee

To: Permanent Representatives Committee

Subject: European Union Agency for Railways' request for a new office building in Valenciennes (France)

– *Approval of a letter*

1. On 8 March 2024, the European Union Agency for Railways (ERA) submitted to the Council, in accordance with Article 266(3) of the Financial Regulation¹, its request for a new office building in Valenciennes (France)².
2. The Council had already been informed by ERA of its intention to lease a new office building in Valenciennes in October 2022³, as provided for in Article 266(2) of the Financial Regulation.

¹ 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).

² Doc. WK 3736/2024.

³ Doc. WK 15789/2022.

3. The Budget Committee analysed the request at its meeting on 18 March 2024 and requested for the four-week period to be extended once by two weeks in order for ERA to provide additional information. ERA presented this additional information to the Budget Committee on 26 March and 9 April 2024⁴, after which the Budget Committee was able to approve it by a qualified majority. However, it was agreed that ERA should be reminded that any building project should comply with the principle of budgetary discipline and that the budgetary authority cannot commit to grant it a specific budget for any future year, thus prejudging the future exercise of the budgetary authority's prerogatives.
4. In view of the above, the Permanent Representatives Committee is invited to approve the draft letter in the ANNEX to that effect.

⁴ Doc. WK 3736/2024 ADD 3.

DRAFT LETTER

from: Chair of the Permanent Representatives Committee

to: Executive Director of the European Union Agency for Railways

copy: President of the European Parliament

Sir,

In the absence of a decision contrary to the European Union Agency for Railway's request, and in accordance with Article 266(3) of the Financial Regulation of 18 July 2018⁵, I would like to inform you that your building project shall be deemed approved on 19 April 2024, namely at the expiry of the extended six-week period of the receipt of your project by the Council.

The Council recalls that budgetary discipline should be maintained by all Union institutions, bodies, offices and agencies. The building project presented by the Agency should not only today, but also in the future, comply with this principle.

⁵ 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).

In this context, I would like to draw your attention to the fact that discretionary costs, not affecting the rental contract for which commitment is necessary, will need to be established annually by the budgetary authority, as part of the budgetary procedure, after consideration of the working document on building policy provided for in Article 266(1) of the Financial Regulation, within the ceilings set in the next Multiannual Financial Framework. The Council, retaining its role as arm of the budgetary authority, is not committing to granting a specific budget to the Agency for any future year, as it cannot prejudge the future exercise of its own prerogatives.

(Complimentary close).

(Complimentary close).
