



Council of the
European Union

Brussels, 5 February 2021
(OR. en)

5793/21
ADD 1

FIN 84
PE-L 5

'I' ITEM NOTE

From: Budget Committee

To: Permanent Representatives Committee

Subject: Council recommendations on the 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 2019
– *Adoption*

ANNEX 1:	Euratom Supply Agency	3
ANNEX 2:	European Centre for the Development of Vocational Training	5
ANNEX 3:	European Foundation for the Improvement of Living and Working Conditions.....	8
ANNEX 4:	European Environment Agency	11
ANNEX 5:	European Training Foundation.....	14
ANNEX 6:	European Medicines Agency.....	16
ANNEX 7:	European Monitoring Centre for Drugs and Drug Addiction.....	19
ANNEX 8:	European Agency for Safety and Health at Work.....	21
ANNEX 9:	European Union Agency for Fundamental Rights	24
ANNEX 10:	Translation Centre for the Bodies of the European Union	27
ANNEX 11:	European Maritime Safety Agency	30

ANNEX 12:	European Union Aviation Safety Agency	33
ANNEX 13:	European Food Safety Authority.....	36
ANNEX 14:	European Union Agency for Criminal Justice Cooperation	39
ANNEX 15:	European Union Agency for Cybersecurity	41
ANNEX 16:	European Centre for Disease Prevention and Control	44
ANNEX 17:	European Union Agency for Railways.....	46
ANNEX 18:	European Border and Coast Guard Agency	49
ANNEX 19:	European Union Agency for Law Enforcement Training.....	52
ANNEX 20:	European GNSS Agency	55
ANNEX 21:	European Fisheries Control Agency.....	58
ANNEX 22:	European Chemicals Agency	60
ANNEX 23:	European Institute for Gender Equality.....	63
ANNEX 24:	European Union Agency for Law Enforcement Cooperation	66
ANNEX 25:	European Union Agency for the Cooperation of Energy Regulators.....	69
ANNEX 26:	Agency for Support for the Body of European Regulators for Electronic Communications.....	73
ANNEX 27:	European Banking Authority.....	76
ANNEX 28:	European Securities and Markets Authority	80
ANNEX 29:	European Insurance and Occupational Pensions Authority	83
ANNEX 30:	European Asylum Support Office	86
ANNEX 31:	European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.....	90
ANNEX 32:	European Institute of Innovation and Technology	93

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 2019

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 Agency¹, and in particular Article 8(9) of the Annex thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure account for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 41, 15.2.2008, p. 15.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 351, 21.10.2020, p. 7.

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council

The President

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive 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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/128 of the European Parliament and of the Council of 16 January 2019 establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No 337/75¹, and in particular Article 15(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 30, 31.1.2019, p. 90.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Centre's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to the European Parliament to give a discharge to the Executive Director of the Centre in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Court's observation on the Centre's shortcomings in procurement procedures when assessing the impact of modifications to the technical offers. The Council calls on the Centre to ensure that in its procurement procedures all modifications made in the execution of the contract will ensure at least an equivalent level compared to the initial solution and that these changes do not lead to unequal treatment between tenderers.

The Council regrets the Court's finding on the Centre's budgetary management whereby the calculation of European Free Trade Association (EFTA) contributions was not applied correctly in three different aspects, leading to an overpayment of EUR 38 924 from the Union budget, and calls on the Centre to apply the calculation of EFTA contributions correctly in all circumstances.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive 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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regards to Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the Improvement of Living and Working Conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75¹, and in particular Article 16(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 30, 31.1.2019, p. 74.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Foundation's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Foundation in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIVING AND
WORKING CONDITIONS

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Foundation's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's two findings on the deficiencies in the Foundations procurement procedures. First, the Foundation concluded a contract for the supply of energy by using a negotiated procedure with a single candidate which was, contrary to the Foundation's interpretation, against the Financial Regulation. Secondly, the Foundation launched a negotiated procedure with an estimated budget of EUR 140 000 resulting only in one candidate with which the Foundation then concluded a framework contract with a value of EUR 176 800, which is 23 % above the threshold for an open procedure, which should have been used instead. The Council calls on the Foundation to ensure that its procurement procedures, especially the application of the negotiated procedure, are fully in line with the Financial Regulation.

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 2019

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)¹, and in particular Article 13(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 126, 21.5.2009, p. 13.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 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 Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN ENVIRONMENT 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's observation on the Agency's internal controls whereby the purchase of services in a contract exceeded the contractual ceiling and calls on the Agency to correctly monitor the accumulative consumption of its contracts.

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 2019

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)¹, and in particular Article 17(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 354, 31.12.2008, p. 82.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Foundation's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

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 2019

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 Agency¹, and in particular Article 68(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 136, 30.4.2004, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN MEDICINES 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Agency's reply and expresses concern with regard to the Agency's liabilities related to its former offices in London.

While acknowledging the Agency's reply to the Court's observation on the monitoring of posted workers, the Council calls on the Agency to ensure full compliance with the applicable Union and national social and labour legislation.

The Council invites the Agency to continue taking appropriate actions in order to ensure the effectiveness and full compliance with applicable rules in its public procurement procedures and safeguard fair competition.

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 2019

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 of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)¹, and in particular Article 15(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 376, 27.12.2006, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Centre's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive 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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/126 of the European Parliament and of the COUNCIL of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94¹, and in particular Article 16(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 30, 31.1.2019, p. 58.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note with concern of the Court's finding regarding the execution of the ESENER-3 contract. While taking note of the Agency's answer, that the documents of the contract were amended after the audit to take into account the expenditure exceeding the contractual ceiling, the Council, reminding the budgetary principle of predictability, urges the Agency to avoid signing contracts without full information on the necessary expenditure and calls on the Commission to provide such information to the Agency with appropriate speed, so as to avoid delayed signing or changes *ex post* to the contracts.

The Council also encourages the Agency to pay better attention to the interpretation of contractual conditions, in order to ensure full compliance with the applicable rules regarding reimbursements of accommodation costs.

The Council regrets that the amount of commitment appropriations being carried over to next year is still unacceptably high for the fourth year in a row, although it decreased compared to last year. While taking note of the explanation provided, the Council urges the Agency to improve its budgetary planning, in line with the budgetary principle of annuality.

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 2019

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 Rights¹, and in particular Article 21(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 53, 22.2.2007, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets that the amount of commitment appropriations being carried over to next year is unacceptably high. While taking note of the explanation provided, the Council urges the Agency to improve its budgetary planning, in line with the budgetary principle of annuality.

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 2019

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 Union¹, and in particular Article 14(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 314, 7.12.1994, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Centre's replies to the Court's comments¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION**

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Court's opinion on "other matter" whereby the Centre did not make appropriate disclosures in the final annual accounts of the impact of COVID-19 measures on the Centre's current and anticipated operations, as reasonably known at the date of the transmission of the final annual accounts. The Council calls on the Centre to provide all relevant information related to the final accounts within the expected timelines.

The Council takes note of the Court's observation on the Centre's use of IT service contracts for the provision of labour, and that the Court refrains from making observations on the regularity of the Centre's approach concerning this matter until the Court of Justice of the European Union has issued a final ruling in this case.

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 2019

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 Agency¹, and in particular Article 19(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 208, 5.8.2002, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN MARITIME SAFETY 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the weaknesses identified by the Court in the Agency's recruitment procedures, notably the lack of transparency and the risk of conflict of interest. The Council takes note of the reviewed procedures and guidelines related to the identification and management of conflict of interests of those implicated in the selection procedures, and encourages the Agency to ensure proper implementation with the aim to ensure a fair and transparent recruitment process.

The Council takes note with concern of the Court's observation regarding the large number of cases of late payments by the Agency, persisting for a number of years, notably of reimbursements for travel costs of participants to workshops. Acknowledging the explanations provided, the Council encourages the Agency to implement thoroughly the measures taken, in order to avoid repeating this situation that exposes the Agency to financial and reputational risk.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91¹, and in particular Article 121(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 212, 22.8.2018, p. 1

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN AVIATION SAFETY 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's findings on shortcomings in the Agency's procurement procedures. These include non-compliance in the management of the procurement procedures like re-opening of competition, using terms in the contract that were not specific enough to allow fair competition and where a wrong procurement procedure was applied, requiring from potential tenderers evidence on their minimum annual turnover which was not in line with the Financial Regulation and not publishing the estimated volume of the contract as required by the Financial Regulation. The Council calls on the Agency to improve its public procurement procedures to ensure full compliance with the Financial Regulation.

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 2019

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 safety¹, and in particular Article 44(4) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 31, 1.2.2002, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Authority's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN FOOD SAFETY 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note of the Court's finding regarding the linguistic regime for a procurement procedure that, in the Court's opinion, created an unjustified obstacle to the opening up of procurement to competition. The Council welcomes the measures taken by the Authority and calls for their consistent implementation.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Administrative Director
of the European Union Agency for Criminal Justice Cooperation
in respect of the implementation of the budget
of the European Union Agency for Criminal Justice Cooperation
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA¹, and in particular Article 63(11) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 295, 21.11.2018, p. 138.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet at 31 December 2019 of the European Union Agency for Criminal Justice Cooperation, hereinafter referred to as "Eurojust", as well as the Court of Auditors' report on the annual accounts of Eurojust for the financial year 2019, accompanied by Eurojust's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Cybersecurity
in respect of the implementation of the budget
of the European Union Agency for Cybersecurity
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EC) No 526/2013¹, and in particular Article 31(12) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 151, 7.6.2019, p. 15.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Union Agency for Cybersecurity, 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN UNION AGENCY FOR CYBERSECURITY

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the Court's findings on shortcomings in the Agency's procurement procedures. These include overlapping between selection and award criteria, lack of transparency for the publication of award notice, lack of precise information and use of inappropriate selection criterion in the tender specifications. The Council, while acknowledging its reply, invites the Agency to continue taking appropriate actions in order to ensure the effectiveness and full compliance with applicable rules in its public procurement procedures.

The Council encourages the Agency to pursue efforts to mitigate the risks linked to vacant posts and reduce its dependency on the extensive use of interim workers, as well as to ensure that the working conditions of interim workers are aligned with those of the Agency's own staff.

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 2019

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 Control¹, and in particular Article 23(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 142, 30.4.2004, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Centre's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Railways
in respect of the implementation of the budget
of the European Union Agency for Railways
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004¹, and in particular Article 65(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 138, 26.5.2016, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN UNION AGENCY FOR RAILWAYS

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's findings on shortcomings in the Agency's procurement procedures. These include a use of a framework contract "in cascade" which was not deemed as appropriate due to a lack of precision on the works or supplies and services concerned, weakness in internal procurement procedure whereby one member participating in the evaluation committee was not officially appointed to it, and a weakness in contract management where the Agency approved the Commission overcharging the Agency when providing IT services through a service level agreement. The Council calls on the Agency to improve its public procurement procedures to ensure full compliance with the Financial Regulation, and reinforce its management of contracts in order to achieve the best value for money.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Border and Coast Guard Agency
in respect of the implementation of the budget
of the European Border and Coast Guard Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624¹, and in particular Article 116(11) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 295, 14.11.2019, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet at 31 December 2019 of the European Border and Coast Guard 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX)

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging the Agency's efforts to improve *ex ante* and to reintroduce *ex post* verifications on reimbursements in line with the Court's recommendations from previous years, the Council regrets that the Court has included in its report "an emphasis of matter" due to the continuing absence of a simplified and transparent financial scheme for reimbursement of equipment-related expenditure, claimed by cooperating countries. Therefore, the Council urges the Agency to continue taking appropriate measures to move to a unit cost-based scheme for reimbursements for this type of cost, which will ensure increased simplification and better monitoring of grants, and will reduce the risk of errors.

The Council encourages the Agency, in view of its enlarged mandate, to continue making sustained efforts in the area of recruitment in order to reach the staff level authorised in the Agency's establishment plan, as well as to improve the guidance given to selection committee members and to verify more closely the candidates' financial entitlements. The Council calls on the Agency to seek guidance from the Commission and to use best practices from other agencies to smoothly absorb the high inflow of staff and funding within a short period of time.

In addition, while taking note of the Agency's reply, the Council calls on the Agency to take further actions to improve the financial management of the reconstruction works carried out on its premises, so that the consumption of funds reflects the real progress of the works.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Law Enforcement Training
in respect of the implementation of the budget
of the European Union Agency for Law Enforcement Training
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Article 20(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 319, 4.12.2015, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Union Agency for Law Enforcement Training, 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING

**THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING (CEPOL)**

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, while taking note of the Agency's reply, calls on the Agency to further improve its procedures for granting appropriate authorisation rights to authorised officers, including specific sub-delegations, in order to ensure compliance with the relevant rules and the continuity of the Agency's operations.

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 2019

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, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council¹, and in particular Article 14(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 276, 20.10.2010, p. 11.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN GNSS 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council notes the potential impact on the Agency's accounts resulting from the risk that, following the working arrangements between the Agency and the European Space Agency (ESA) on the implementation of EGNOS and Galileo, the Agency's payments to ESA may be calculated on the basis of inaccurate costs and welcomes the intention of the Agency to perform and reinforce *ex post* controls in order to examine the correctness of the ESA working arrangements cost claims.

The Council is concerned about the delays in the implementation of the Agency's new internal control framework and in the approval of its business continuity plan, which had been approved only in May 2020. The Council invites the Agency to finalise the implementation of the internal control framework in a timely manner.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (codified)¹, and in particular Article 45(11) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 83, 25.3.2019, p. 18.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

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 2019

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 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC¹, and in particular Article 97(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 396, 30.12.2006, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Chemicals 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN CHEMICALS 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While welcoming the progress made by the Agency through *ex post* verifications to check the claimed size of smaller companies, the Council urges the Agency to continue improving the process to recover the fee corrections and overdue administrative charges from companies who have declared the wrong size. The Council is concerned about the risk of a mismatch between the Agency's expenditure and revenues, and calls on the Agency to work with the Commission to explore the possibilities for a new financing model that would also reduce the current administrative burden.

The Council, while taking note of the Agency's reply and actions taken, encourages the Agency to further improve its public procurement procedures, including the appropriate establishment of tender specifications, to ensure full compliance with the applicable rules and best value for money procurements.

The Council regrets the shortcomings found by the Court in two recruitment procedures, especially the insufficiently structured and non-exhaustive decision making process. While taking note of the Agency's reply and actions taken, it calls on the Agency to take appropriate measures with respect to the Court's observation.

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 2019

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 on establishing a European Institute for Gender Equality¹, and in particular Article 15(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 403, 30.12.2006, p. 9.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Institute for Gender Equality, 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 2019, accompanied by the Institute's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN INSTITUTE FOR GENDER EQUALITY

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council notes the Court's opinion on "other matter" where it indicates that the Lithuanian Supreme Court asked the Court of Justice of the European Union several questions concerning the application of Directive 2008/104/EC of the European Parliament and of the Council (OJ L 327, 5.12.2008, p. 9.), on temporary agency work, to EU Agencies and that the Court refrains from making observations on the Institute's use of interim workers until the Court of Justice of the European Union has issued a final ruling in this case.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Law Enforcement Cooperation
in respect of the implementation of the budget
of the European Union Agency for Law Enforcement Cooperation
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA¹, and in particular Article 60(10) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 135, 24.5.2016, p. 53.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Union Agency for Law Enforcement Cooperation, hereinafter referred to as "Europol", as well as the Court of Auditors' report on the annual accounts of Europol for the financial year 2019, accompanied by Europol's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to the European Parliament to give a discharge to the Executive Director of Europol in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION
(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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of Europol's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, while taking note of Europol's reply, calls on Europol to further improve its procurement procedures, in particular to strengthen contract management and *ex ante* controls, as well as to ensure the competitive nature of tendering procedures.

The Council regrets the Court's observation about the recurrent weakness, related to high levels of late payments, which exposes Europol to reputational risk, and encourages Europol to continue taking appropriate measures in order to ensure sound budgetary and financial management.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast)¹, and in particular Article 35(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS**

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council notes with concern the Court's qualified opinion on the legality and regularity of the payments underlying the accounts for the year ended on 31 December 2019.

While acknowledging the Agency's reply and some remedial action taken, the Council regrets the important volume of payments underlying the accounts that are materially affected by error due to non-compliance with procurement procedures. It urges the Agency to further improve its procurement procedures in order to increase competition, ensure the effectiveness, transparency and documentation of the process and focus on competitive price elements in order to make sure that its procurement procedure leads to the award of the best value for money contract.

Taking note of the Agency's reply, the Council calls on the Agency to achieve the essential improvements necessary in the areas of recruitment and internal controls, in particular to ensure the rigorous assessment of all applications against the eligibility criteria, as well as to guarantee that all applicants are equally treated.

The Council encourages the Agency to pursue its efforts to reduce its dependency on the extensive use of interim workers and to avoid that interim workers perform long-term tasks.

While acknowledging the Agency's reply, the Council regrets the high level of commitment appropriations carried over to 2020. The Council urges the Agency to follow the Court's recommendation and to further improve its implementation cycles and budget planning accordingly, in line with the budgetary principle of annuality.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Agency for Support for the Body of European Regulators for Electronic
Communications
in respect of the implementation of the budget
of the Agency for Support for the Body of European Regulators for Electronic
Communications
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1971¹ of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009, and in particular Article 28(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 321, 17.12.2018, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Agency for Support for the BEREC Office, 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 2019, accompanied by the Office's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to the European Parliament to give a discharge to the Director of the Office in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE AGENCY FOR SUPPORT FOR BODY OF EUROPEAN REGULATORS FOR
ELECTRONIC COMMUNICATIONS

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the Court's findings on shortcomings in the Agency's procurement procedures. These include a lack of an effective procedure for recording details of tenders, weakness of evaluation reports for tendering procedure, inadequacy of procurement procedures that do not comply with the principle of transparency and equal treatment.

Following the finalisation of the centralising process of the procurement procedures, the Council encourages the Agency to further improve its public procurement procedures to ensure full compliance with the applicable rules and best value for money procurements.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC¹, and in particular Article 64(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 331, 15.12.2010, p. 12.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Authority's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN BANKING 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council expresses concern with regard to the Authority's liabilities related to its former offices in London.

While acknowledging the Authority's reply to the Court's observation on the use of framework contracts with an IT company, the Council calls on the Authority to ensure avoiding confusion between the procurement of IT services and of interim workers.

The Council, while taking account of the Authority's replies, regrets the Court's observation on the Authority's budgetary management whereby the calculation of contributions made to the Authority by the National Competent Authorities (NCAs), the Commission and the European Free Trade Association (EFTA) Members' NCAs was not applied correctly, and calls on the Authority to apply the calculation of contributions correctly in all circumstances. In addition, the Council supports the Court's findings on the need to ensure that the Authority's budget includes all the adequate information about the contributions made to the Authority.

While acknowledging the Authority's reply to the Court's observation on the monitoring of posted workers, the Council calls on the Authority to ensure full compliance with applicable Union and national social and labour legislation.

The Council invites the Authority to fully implement its new policy to prevent maladministration and conflict of interests in case of non-respect of the specific restrictions that apply to the Authority's staff when moving to subsequent activities and functions in different organisations.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 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), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC¹, and in particular Article 64(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 331, 15.12.2010, p. 84.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Authority's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN SECURITIES AND MARKETS 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, while acknowledging that the accuracy of the fee calculation is based on the revenues declared by the credit rating agencies, encourages the Authority to continue its efforts to ensure the collection of the appropriate level of fee income.

While acknowledging that a consistent and comprehensive control framework ensuring the information's reliability to calculate the fees to trade repositories is missing, the Council supports the Authority's efforts to provide the maximum assurance possible within the current regulatory framework.

While noting for 2019 the resulting immateriality between the estimates and the actual contribution for pensions made by National Competent Authorities to the Authority, the Council supports the Court's findings on the need to ensure the appropriate adjustments between those amounts, and calls on the Authority to apply the calculation of contributions correctly in all circumstances.

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 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 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), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC¹, and in particular Article 64(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 331, 15.12.2010, p. 48.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Authority's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain 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 Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN INSURANCE AND OCCUPATIONAL PENSIONS 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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note both of the observations of the Court concerning the amount of contributions from the EU and the EFTA Members National Competent Authorities to the budget of the Authority and of the explanations of the Authority, and encourages the latter, in the interest of transparency, to provide better explanations on the calculation method.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Asylum Support Office
in respect of the implementation of the budget
of the European Asylum Support Office
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office¹, and in particular Article 36(9) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 132, 29.5.2010, p. 11.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Asylum Support Office, 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 2019, accompanied by the Office's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to the European Parliament to give a discharge to the Executive Director of the Office in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Office's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council notes with concern the Court's qualified opinion on the legality and regularity of the payments underlying the accounts for the year ended on 31 December 2019.

While taking into account that the Court's qualified opinion is mainly based on payments related to several irregular procurement procedures reported by the Court in 2016-2018, the Council regrets that irregular payments represent 14.6 % of all payments made by the Office in 2019, thereby exceeding considerably the materiality threshold.

The Council welcomes the significant efforts made by the Office since 2018 to improve its internal control systems and governance processes, and to implement corrective actions to respond to the Court's observations.

In this regard, the Council urges the Office to continue its commitment towards sustainable improvements, and in particular to:

- continue to address the irregularities related to procurement procedures for interim workers, while ensuring business continuity in the specific decentralised environment in which the Office carries out its operations;
- improve the audit trail of procedures for selecting and contracting external experts, notably the justification of the selection of a specific expert on the basis of pre-defined task selection criteria;
- continue the efforts to strengthen organisational governance, internal controls and the internal legal service, to allocate sufficient resources to recruitment and to ensure sound financial management by reducing further the level of late payments.

Underlining the importance of the Office's uninterrupted work in the field of asylum and migration, the Council calls on the Office to continue to implement corrective actions in line with the Court's observations from previous years, as well as to inform the Council regularly and in detail of all progress made.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Agency for the operational management of large-scale IT systems in the area
of freedom, security and justice
in respect of the implementation of the budget
of the European Agency for the operational management of large-scale IT systems in the area
of freedom, security and justice
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011¹, and in particular Article 47(12) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 295, 21.11.2018, p. 99.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, 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 2019, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN AGENCY FOR THE OPERATIONAL MANAGEMENT OF
LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE
(eu-LISA)

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 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, while taking note of the Agency's reply, regrets the Court's finding that a payment under a framework contract was not in compliance with contractual provisions, and calls on the Agency to take appropriate actions to avoid such cases in the future.

Regarding recruitment procedures, the Council invites the Agency to ensure the rigorous assessment of all applications against the eligibility criteria, as well as to guarantee that all applicants are equally treated.

Finally, the Council expresses its concern that budget implementation was again lower than planned, and calls on the Agency to continue improving, together with the Commission, its financial programming and monitoring of budget implementation, in particular by better alignment of budgetary planning with the timing of the related legal acts, in order to ensure full compliance with the principle of sound financial management and annuality.

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 2019

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 Technology¹, and in particular Article 21(4) thereof,

Having regard to 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 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 97, 9.4.2008, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 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 2019, accompanied by the Institute's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these 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 to 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 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)**

The Council welcomes the Court's opinion that the Institute's annual accounts present fairly, in all material respects, its financial position as at 31 December 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council notes the Court's observation on the Institute's erroneous application of a service contract and calls on the Institute to improve its control procedures.

The Council also notes the Court's assessment of the Institute's staffing levels.
