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From: Budget Committee

To: Permanent Representatives Committee/Council

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 2020
– *Adoption*

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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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 439, 29.10.2021, p. 3.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2020 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-General of the Agency in respect of the implementation of the budget for the financial year 2020.

Done at Brussels,

For the Council

The President

**COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EURATOM SUPPLY 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note with concern of the Court's finding related to the slow selection process for management posts in the Authority, which resulted in some positions being filled by acting managers for more than one year, up to nine years in one case. While taking into account the impact of the COVID-19 pandemic on the Authority's Strategy Design and Organisational Design Project deliverables, as noted by the Court, the Council encourages it to speed-up the roll-out of its project of organisational design in order to end this situation of precarity at management level in the shortest time possible.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Court's observations on the Centre's legality and regularity of transactions regarding a procurement procedure for the provision of web services and welcomes the fact that the Centre cancelled the contract following those observations.

The Council regrets the issues identified by the Court concerning 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 underpayment of EUR 20 272 from the Union budget. While acknowledging the Centre's action, the Council calls on the Centre to ensure that the calculation of EFTA contributions is correct 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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, while taking note of the Foundation's launch of a new tender for the supply of electricity, notes the Court's observations on the legality and regularity of transactions, in particular on payments made in connection with procurement procedures declared irregular by the Court in previous years (i.e. procurement for the supply of electricity and the refurbishment of toilet facilities).

The Council takes note of the Court's observations regarding the internal controls of the Foundation, in particular of "sensitive functions" and welcomes the fact that, following the Court's audit, the Foundation implemented a new policy on sensitive posts.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 Director of the Foundation in respect of the implementation of the budget for the financial year 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN TRAINING FOUNDATION

The Council welcomes the Court's opinion that, in all material respects, the Foundation's annual accounts present fairly its financial position as at 31 December 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council encourages the Foundation to improve its internal control systems and public procurement procedures, ensuring full compliance with the applicable rules.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the issues identified as "an emphasis of matter" in the Court's report with regard to the Agency's liabilities related to its former offices in London, while acknowledging the Agency's agreement with the landlord of those premises, as well as the efforts made by the Agency and its Management Board to address the need to solve the issue at political level.

The Council invites the Agency to promptly remedy the weakness found by the Court in the process for appointing selection panels, in order to avoid it as a current practice which may lead to legal and reputational risks for the Agency.

In relation to a revision of some prices related to a catering and restaurants services framework contract, the Council regrets that the Agency contravened to provisions of framework contract and of the Financial Regulation, and it urges the Agency to fully respect those provisions in the future.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note of the Court's observation on high carry-overs of committed appropriations for Title III and that a significant part (25 %) was committed in December 2020, which is indicative of a structural issue. The Council encourages the Agency to further improve its budget planning and its implementation cycles.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, accompanied by the Centre's replies to the Court's comments¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 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 control of entitlements for newly recruited staff members. Taking note of the reviewed procedure, the Council encourages the Agency to ensure its proper implementation.

The Council takes note that cases of late payments by the Agency, notably of reimbursements for travel costs of participants to workshops, are still occurring for the fifth year in a row, exposing the Agency to financial and reputational risk. While welcoming the decrease in the percentage of such cases compared to the previous year, the Council urges the Agency to pursue its efforts, so that this situation no longer presents itself.

Regarding the appointments by delegation made by the Executive Director, the Council takes note of the answer of the Agency and encourages it to implement the mitigating measures and the new procedure in order to avoid any potential challenge to the legality and regularity of the Agency's operations.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note with concern of the Court's finding related to the slow selection process for management posts in the Authority, which resulted in some positions being filled by acting managers for more than one year, up to nine years in one case. While taking into account the impact of the COVID-19 pandemic on the Authority's Strategy Design and Organisational Design Project deliverables, as noted by the Court, the Council encourages it to speed-up the roll-out of its project of organisational design in order to end this situation of precarity at management level in the shortest time possible.

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 2020

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 2020 and the balance sheet at 31 December 2020 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 2020, accompanied by Eurojust's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2020 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 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING

THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST)

The Council welcomes the Court's opinion that, in all material respects, Eurojust's annual accounts present fairly its financial position as at 31 December 2020 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 Eurojust's Financial Regulation, and that the underlying transactions for 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the weaknesses observed by the Court in Eurojust's audited public procurement procedures, related to framework contracts, and in its internal control procedures. The Council therefore encourages Eurojust to ensure the preparation of a more robust *ex-ante* documentation, including the documented reasoning for choosing a particular procurement procedure and/or a particular type of framework contract, as well as to seek more clarity at the time of requesting an offer in order to guarantee consistency between the specific contract and the actual terms of the agreements.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging that payments underlying the accounts for the year ended on 31 December 2020 are legal and regular in all material respects, the Council regrets that there were grounds for the Court to issue a qualified opinion on the legality and regularity of the payments, due to the use by a staff member of an expired temporary delegation to authorise a substantial amount of payment appropriations.

The Council regrets the additional similar internal control weaknesses identified by the Court. It invites the Agency to foster improving internal decisions and mitigating measures, already introduced, to avoid similar risks in the future.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging the Agency's efforts to continue improving the monitoring of return operations/activities, the Council regrets the Court's observation that in one case the Agency made an *ex-post* budgetary commitment, which contravened the principle of annuality, and calls on the Agency to comply rigorously with budgetary rules.

The Council is very concerned about the reported cases of alleged fundamental rights violations and therefore welcomes the commitment of the Agency to cooperate closely with the European Parliament, the European Ombudsman and the European Anti-Fraud Office on fundamental rights matters. Furthermore, while taking into account the impact of the COVID-19 pandemic, as noted by the Court, the Council shares the Court's view that the delayed recruitment of 40 fundamental rights monitors poses a serious risk to the operations and reputation of the Agency, and urges the Agency to complete the recruitment procedures in the shortest possible time.

The Council regrets that the Agency was exposed to a risk of reputational damage, related to weaknesses in the management of grades of new staff members, and encourages the Agency to comply with the establishment plan following the adoption of the Agency's new Regulation¹, as well as to increase the transparency and effectiveness of the internal control system.

¹ 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) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Finally, while taking into account the impact of the COVID-19 pandemic and the technical limitations of the new deployment support system, as noted by the Agency, the Council calls on the Agency to take all appropriate measures to improve its budgetary management, including budget implementation and the presentation and transparency of accounts. In this regard, the Council calls on the Commission to provide horizontal guidance to EU bodies on how to calculate contributions from non-EU countries consistently.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, while taking note of the Agency's replies, regrets that in one case the Agency did not effectively protect the EU's financial interests and that there are weaknesses in the Agency's internal control environment in relation to the management of budgetary commitments. The Council therefore encourages the Agency to ensure better planning of training events by anticipating the evolving health situation, as well as to improve the transparency of monitoring of contracts in the financial management system in order to prevent administrative errors.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for the Space Programme
in respect of the implementation of the budget
of the European Union Agency for the Space Programme
for the financial year 2020

THE COUNCIL OF THE EUROPEAN UNION,

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

Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU¹, and in particular Article 86 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 170, 12.5.2021, p. 69.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2020 and the balance sheet as at 31 December 2020 of the European Union Agency for the Space Programme, 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the systematic issue identified by the Court whereby received credits have not been included properly in the Institute's budget, and calls on the Institute to improve the audit trail and budget management procedures, ensuring full compliance with the applicable rules.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENT ACCOMPANYING

THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, while taking note of Europol's careful monitoring of payment amounts and mitigating actions, regrets the issue observed by the Court concerning the outstanding and recurrent weakness related to high levels of late payments, which exposes Europol to reputational risk, and calls on 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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging that payments underlying the accounts for the year ended on 31 December 2020 are legal and regular in all material respects, the Council regrets that there were sufficient grounds for the Court to issue a qualified opinion on the legality and regularity of the payments, due to irregularities related to a framework contract for IT services, because of the absence of competitive procurement procedure to make a substantial amount of payments in 2020.

The Council regrets the internal control weaknesses, due to the lack of internal rules to address the continuity of delegations of authorising powers, identified by the Court. It invites the Agency to foster improving internal decisions and mitigating measures, already introduced, to avoid similar risks in the future.

While acknowledging the Agency's reply that a shortfall in budget resources was only covered through an amending budget in December and that a high level of carry-overs was required to cover open obligations identified at the end of the year, particularly legal and translation fees, the Council encourages the Agency to continue improving its budget planning and monitoring its budget implementation in order to reduce the level of commitments carried over to the strict minimum, in line with the budgetary principle of annuality.

The Council acknowledges the Agency's reply to the Court's observations about some weaknesses identified in the Agency's recruitment procedures. The Council notes with satisfaction the measures already taken by the Agency to remedy the errors notably by introducing preliminary eligibility checks, evaluation by a selection committee, double checks by the Human Resource, and transparency of the scoring methodology. It encourages the Agency to guarantee proper implementation of those measure with the aim to ensure a fair and transparent recruitment process.

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 2020

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1971 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)¹, 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 2020 and the balance sheet as at 31 December 2020 of the Agency for Support for BEREC (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 2020, accompanied by the Office'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 2020 do not call for any comments,

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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the deficiencies identified by the Court in the Authority's public procurement procedures. First, the Authority concluded a short-term banking agreement with a bank but it underestimated the contract's value because the Authority launched a negotiated procedure without prior publication with only one potential contractor. For the same case, the Authority did not set out criteria for selecting the best offer nor carry out proper evaluation of other offers when it was needed to search other contractors. Secondly, the Authority launched a procurement procedure for legal services by using a negotiated procedure without prior publication of a contract notice and missing an adequate audit trail. A third procurement procedure was also deemed irregular because confidentiality and declaration of absence of conflict of interest were applied only at a latest stage. While taking into account the impact of the COVID-19 pandemic, as noted by the Authority, and the measures already taken, the Council calls on the Authority to ensure that its procurement procedures, especially the application of the negotiated procedure, are always fully in line with the Financial Regulation.

The Council supports the Court's findings on the need for the Authority to update its business continuity plan and urges the Authority to address this weakness in its internal control procedures.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Court's finding about the risk of circumvention of the credit rating agencies (CRA) regulation by the CRA, which can use the opportunity to reduce or avoid fees by transferring their revenues under EU jurisdiction to their related entities outside the EU. It welcomes the Authority's efforts to assess and monitor this issue, as well as the submission to the Commission of its technical advice on the revision of the Regulation with regard to the fees charged by the Authority to CRA.

The Council supports the Authority's efforts already made in the past to provide the maximum assurance possible within the current regulatory framework on fees to trade repositories. The Council welcomes the submission by the Authority to the Commission of its technical advice on the amendment of Trade Repositories' fee management legislation in the second half of 2021 and it invites the Commission to work on the revision of the legislative framework.

While acknowledging the Authority's replies, the Council regrets the internal control weaknesses identified by the Court. First, the Authority concluded a framework contract by using the contractor's Framework Contract template instead of the Authority's usual template, and this reduced the transparency of the agreement. Secondly, the Authority did not correctly apply the interest rate on the late payments made by a number of CRA and trade repositories in connection with their 2020 contributions and did not fully respect the provisions of the Financial Regulation. Thirdly, the Authority was not able to confirm the payments made to a contractor under a framework contract for IT consultancy services as it did not properly monitor the charged time.

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging the proximity of the activities and contacts between the Authority and the national supervisory authorities, the Council supports the Court's finding that some control system should be in place to ensure correctness of payments related to the seconded national experts' agreements.

The Council takes note both of the Court's observations related to the non-application of the interest provided by the Financial Regulation to payments received late from a number of national competent authorities and of the Authority's answer related to the special conditions in 2020. The Authority is encouraged to monitor the outstanding payments and continue the recovery operations.

The Council acknowledges the swift action taken by the Authority after the Court's observation related to the contract for training courses and the new contract for provision of on-line training. The Authority is encouraged to react quickly to the changing conditions and adapt its contracts accordingly.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Asylum
in respect of the implementation of the budget
of the European Union Agency for Asylum
for the financial year 2020

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010¹, and in particular Article 55(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 468, 30.12.2021, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2020 and the balance sheet as at 31 December 2020 of the European Union Agency for Asylum, 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council
The President

¹ OJ C 439, 29.10.2021, p. 3.

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

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 2020 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 2020 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 ongoing judicial proceedings against the Agency have a bearing on aspects of the Court's opinion.

The Council, while taking note of the ongoing and implemented corrective actions, notes the Court's observations on the legality and regularity of transactions, in particular on payments made in connection with procurement procedures declared irregular by the Court in previous years (i.e. procurement for rented premises, for interim workers in Italy and for external experts).

The Council, while taking note of the development of a comprehensive recruitment plan and the impact of the COVID-19 pandemic, regrets the issues identified by the Court concerning the Agency's staff policy, in particular the high number of vacant management posts and the length of temporary management appointments, which have an impact on the Agency's ability to deliver on its objectives.

Concerning budgetary management, while noting the impact of the COVID-19 pandemic, as noted by the Agency, the Council also expresses its concern that budget implementation was lower than planned, and calls on the Agency to continue improving its financial programming and monitoring of budget implementation, in order to ensure full compliance with the principle of sound financial management and annuality.

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

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 2020

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 2020 and the balance sheet as at 31 December 2020 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 2020, 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 2020 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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.

COMMENTS ACCOMPANYING
THE 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 2020 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 2020 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 and the action already undertaken, regrets that there were grounds for the Court to issue a qualified opinion on two irregular procurement procedures, including findings of various payments under a framework contract that did not comply with contractual provisions, and calls on the Agency to take appropriate actions to avoid such cases in the future.

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 2020

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)¹,

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 189, 28.5.2021, p. 61.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2020 and the balance sheet as at 31 December 2020 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 2020, accompanied by the Institute'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 2020 do not call for any comments,

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 2020.

Done at Brussels,

For the Council

The President

¹ OJ C 439, 29.10.2021, p. 3.