



2016/2114(REG)

18.10.2016

OPINION

of the Committee on Budgetary Control

for the Committee on Constitutional Affairs

on the General Revision of Parliament's Rules of Procedure
(2016/2114(REG))

Rapporteur: Ingeborg Gräßle

PA_REG

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Parliament's Rules of Procedure

Rule 94 – paragraph 1 – introductory phrase

Present text

The provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget shall likewise apply to the procedure for granting discharge to:

Amendment

The provisions governing the procedure for granting discharge to the Commission ***in accordance with Article 319 of the Treaty on the Functioning of the European Union***, in respect of the implementation of the budget, shall likewise apply to the procedure for granting discharge to:

Amendment 2

Parliament's Rules of Procedure

Rule 94 – paragraph 1 a (new)

Present text

Amendment

The discharge to the bodies referred to in the fourth indent of the first paragraph shall be dealt with in a single report per body.

Justification

The proposed change reinstates the original wording of this paragraph clarifying that: (1) discharge is granted on the basis of article 319 of the treaty and (2) the long current practice of preparing individual reports for the discharged bodies referred to in the fourth indent for the following reasons:

1. In recent year's the bodies covered by rule 94 (fourth indent) have been at the center of the discharge procedure. The proposal to deal with those bodies in a single report would make it more difficult to early identify possible problems and to ensure proper financial management for agencies and joint undertakings.

2. A single report would also diffuse the accountability of each separate body, and would make it more challenging for the Committee on Budgetary Control, and consequently the Parliament, to scrutinise in detail the implementation of the tasks and the budget execution of

individual agencies and joint undertakings.

3. Furthermore a number of considerations of political and practical nature also speak in favour of maintaining Rule 94 in its current version, such as a better visibility of Parliament's scrutiny of each agency and other bodies and a stronger public accountability of their financial management, as well as the Council's practice to present individual discharge recommendations on each of them;

4. Under Rule 94 (fourth indent) CONT Committee prepares the discharge reports for two different legal entities: EU decentralised agencies and joint undertakings. With due regard to that CONT has different "Rapporteurs" and inclusive different Political Groups responsible for those reports. It appears therefore that they shouldn't be treated under the same report. CONT also reflects on a thematic regrouping of the discharge reports for EU decentralised agencies in order to have more than one rapporteur for this sector.

5. EU agencies are set up to perform specific tasks under EU law. The legal basis for each decentralised agency is set by its individual founding regulation. The EU agencies are established upon Commission's proposal by the European Parliament and the Council of the European Union;

6. Joint undertakings are established on the basis of Article 187 TFEU (ex Article 171 TEC) to realise public-private partnerships at European level in the field of industrial research. The founding members of the joint undertakings are typically the European Commission, not-for-profit industry-led associations and some Member States;

7. Moreover according to Article 208 of the Financial Regulation, Parliament, on the recommendation of the Council, has to grant discharge to all bodies "set up under the TFEU and the Euratom Treaty and which have legal personality and receive contributions charged to the budget". Articles 108 and 109 of the Commission framework financial regulation for the bodies referred to in Article 208 of the Financial Regulation¹, as well as the constituent acts establishing the agencies and other bodies contain more detailed provisions on the discharge of these bodies;

8. It results from these provisions that Parliament has to examine the implementation of the budget (accounts, financial statements) of each of the agencies and other bodies individually in the light of the individual reports of the Court of Auditors and take an individual and distinct decision on granting, postponing or rejecting the discharge as regards each of them;

9. The amendment ("dealt with in a single report which shall contain separate sections") is not clear in this respect. Even if they were assembled in a single report, the discharge decisions for each body constitute legally distinct decisions which have to be separately adopted by Parliament and could not be replaced by a single vote;

10. Taking this into account, the proposed amendment obstructs the culture of responsibility within the agencies and joint undertakings. In the light of general principles of Union law, such as transparency (Article 1(2) TEU) and legal certainty, the existing version of Rule 94 and Parliament's current practice to adopt separate discharge reports on each of the entities referred to in Article 208 of the Financial Regulation appears preferable;

11. Preparing only a single report for 41 bodies (33 EU agencies and 8 joint undertakings)

would undermine the importance of the tasks performed by those bodies as well as their autonomy, in particular of the regulatory agencies and those with the function of independent information collection;

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	26.9.2016	
Result of final vote	+: 23	
	–: 0	
	0: 0	