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*Committee on the Environment, Public Health and Food Safety*

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**2015/2184(DEC)**

22.1.2016

# OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European  
Chemicals Agency for the financial year 2014  
(2015/2184(DEC))

Rapporteur: Giovanni La Via

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## SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that European Chemicals Agency ('the Agency') is a consolidated entity, in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>1</sup> ('Financial Regulation');
2. Recalls that, as of 2012, the Agency was given the task to manage and carry out technical, scientific and administrative aspects of Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>2</sup> ('BPR Regulation'), as well as similar tasks related to the export and import of hazardous chemicals under Regulation (EU) No 649/2012 of the European Parliament and of the Council<sup>3</sup> ('PIC Regulation');
3. Recalls that, with respect to the BPR Regulation, the Agency's biocidal products are financed partially through fees paid by industry and partially through a Union subsidy, in accordance with Article 208 of the Financial Regulation; highlights therefore that ensuring transparency is of the utmost importance;
4. Acknowledges with concern that the Agency had to carry out its biocide activities under severe budgetary and human resources restrictions in 2014, because the biocide fees collected in 2014 were much lower (EUR 1,3 million) than estimated, and covered only 17% of biocide-related expenditure; notes that, as a result, the Agency's budgetary line was reinforced through budgetary transfer by the Commission and that the Agency also made efforts to balance the lower income with its expenditure;
5. Notes the difficulties of the Agency, in the absence of a financial reserve, to obtain additional subsidy in those years where the financial revenue from biocide fees will be lower than estimated; takes note of the Agency's concern that if this situation continues and is not compensated by a higher subsidy, it will be extremely difficult for it to continue to deliver on all its non-fee related obligations;
6. Stresses that the Agency received a Union contribution for the PIC Regulation totalling EUR 1,3 million in 2014, a contribution that allowed it to finalise the preparatory activities and ensure the successful entry into application of PIC Regulation on 1 March 2014;
7. Notes that the revenue from fees and charges under REACH and classification, labelling and packaging (CLP) activities in 2014 amounted to EUR 27,8 million (stemming from fee income on REACH registrations, SME verification work, and interest income from

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<sup>1</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 26.10.2012, p. 1).

<sup>2</sup> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

<sup>3</sup> Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

reserves) thus exceeding forecasts;

8. Recalls that, in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>4</sup> ('REACH Regulation'), the Agency is financed through fees paid by industry for the registration of chemical substances, and by a possible Union balancing subsidy, in accordance with Article 208 of the Financial Regulation; notes, moreover, that in 2014, for the fourth consecutive year, the Agency was fully financed through fee income for its REACH and CLP operations;
9. Welcomes the Agency's commitment to follow-up on previous years' comments and congratulates it on reducing its carry-over rate to below 10% on average for all regulations, and encourages it to continue its efforts to reduce carry-over wherever possible; notes that, in 2014, carry-overs mainly resulted from the multiannual nature of planned IT development projects (EUR 4,5 million), costs for translations ordered in 2014 but not received and paid by the end of that year (EUR 0,5 million), and substance evaluations with a regulatory deadline in 2015 (EUR 1,9 million);
10. Congratulates the Agency for further developing its reporting, and streamlining its financial processes;
11. Welcomes the transparency approach adopted by the Agency's Management Board, which hereby also responds to the European Ombudsman's request; calls on the Agency to update constantly its internal procedures in order to ensure the independence of its staff;
12. Asks the responsible body of the Agency to implement the anti-fraud strategy as soon as possible;
13. Notes that, in 2014, the Agency has reduced its REACH/CLP posts in line with the decision on the 2014 budget and exceeded its recruitment target with 97% of posts filled at the end of that year (for REACH/CLP, biocides and PIC); more specifically, highlights that 479 of the 495 available temporary agents posts had been filled, and 118 contract agents and seconded national experts were employed by the end of 2014;
14. Notes that the Agency is dedicating 78% of its human resources to operational activities; encourages the Agency to continue on this path;
15. Notes the reservation to the 2013 declaration of assurance awarded by the Court of Auditors, given that the mandate of the Agency does not include controls or inspections at national level, and therefore cannot confirm that only registered or authorised substances and products, for which a fee has been paid to the Agency, are available on the European market;
16. Welcomes the Court of Auditors' announcement that the transactions underlying the annual accounts of the Agency for the financial year 2014 were legal and regular in all material respects;

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<sup>4</sup> 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/EC (OJ L 396, 30.12.2006, p. 1).

17. Recommends, based on the facts available, that discharge be granted to the Executive Director of the European Chemicals Agency with respect to the implementation of the Agency's budget for the financial year 2014.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	21.1.2016
<b>Result of final vote</b>	+: 62 -: 3 0: 3
<b>Members present for the final vote</b>	Marco Affronte, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Soledad Cabezón Ruiz, Nessa Childers, Birgit Collin-Langen, Mireille D'Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Jörn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Françoise Grossetête, Jytte Guteland, György Hölvényi, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Peter Liese, Norbert Lins, Valentinas Mazuronis, Susanne Melior, Miroslav Mikolášik, Piernicola Pedicini, Bolesław G. Piecha, Marcus Pretzell, Frédérique Ries, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Tibor Szanyi, Claudiu Ciprian Tălculescu, Estefanía Torres Martínez, Nils Torvalds, Glenis Willmott, Damiano Zoffoli
<b>Substitutes present for the final vote</b>	Paul Brannen, Herbert Dorfmann, Christofer Fjellner, Luke Ming Flanagan, Elena Gentile, Martin Häusling, Karol Karski, Andrey Kovatchev, Merja Kyllönen, Marijana Petir, Christel Schaldemose, Jasenko Selimovic, Bart Staes, Mihai Stănescu, Tom Vandenkendelaere, Carlos Zorrinho
<b>Substitutes under Rule 200(2) present for the final vote</b>	Daniel Dalton