

2016 Discharge
Questionnaire to the European Court of Auditors
Hearing: 4 December 2017

1. *Which measures have been taken to avoid political influencing of the Court, in particular from Member States vis-à-vis the Members of the Court that they nominated?*

Article 285 TFEU requires that Members must be completely independent in the performance of their duties, in the Union's general interest. Article 286 TFEU sets out the nomination procedure of Members. The Court is not part to this procedure.

Once Members are appointed there are a number of measures in place which aim at ensuring their independence, integrity and a professional fulfilment of their obligations:

- Through their solemn declaration in front of the Court of Justice of the EU a newly appointed Member commits himself/herself to carry out his/her task in complete independence.
- During their mandate, but also after leaving office, Members are subject to a code of conduct governing their independence, impartiality, integrity, commitment, collegiality, confidentiality, etc.
- Members are subject to the collegiality rules on Court's decisions as well as, like all staff, to the Court's ethical guidelines and the requirements set out in the INTOSAI Code of Ethics (ISSAI 30).
- An Ethics Committee deals with matters of ethical nature relevant to the Court's standards and reputation. This Ethics Committee assesses, inter alia, whether outside activities of Members are compatible with their obligations under the Treaty.
- The Directors of Audit Chambers carry out an independent Engagement Quality Control Review (EQCR) for all audit proposals and draft reports. Such an EQCR is done to ensure that audit work has been performed in accordance with the Court's audit manuals and that there is sufficient, relevant and reliable evidence to support the observations, conclusions and recommendations.
- EQCR work is complemented by a horizontal quality review under the responsibility of another Member, and prepared by staff in the Audit Quality Control Committee, assessing audit proposals and draft reports on several aspects, including soundness and completeness.

See also replies to questions 34 and 36.

2. *Which use has the Court made of the reports of national audit bodies? Has there been any duplication between the work undertaken by these bodies and the Court's own work? If so, how does the Court intend to avoid any such duplication in the future?*

The Contact Committee of Heads of EU Supreme Audit Institutions (SAIs) provides a forum for cooperation and exchange of professional knowledge and experience on audit of EU funds in which the Court and all Member State SAIs are represented. The Court and EU SAIs inform each other on their Annual Work Programs and audit reports, and exchange information on relevant aspects of their work.

On a more general note the audit work carried out by the Court is complementary with the work by Member States SAIs. A recent example is the 2016 landscape review on EU action on energy and climate change. For this review, the Court has collected information on more than 650 performance audit reports dealing with energy, climate policy and investments related to mitigation and

adaptation – of which 269 were identified as most relevant to the review. In addition, the Court conducted a survey of EU SAIs' relevant audit work and corresponding challenges, and organized a seminar on auditing Energy and Climate.

The Court's auditors also make use of already existing audit work and reports when planning and preparing specific audits. For this purpose they can refer to the EUROSAI databases on EU-relevant audit work as well as internal databases on specific subjects, for example for audits in the transport/energy and employment fields. These databases contain several hundred performance audit reports by EU and non-EU SAIs (USA, Canada, Russia, China, Japan, and Australia).

An additional example of the Court's pro-active approach in making use of reports published by EU SAIs is the launch of a pilot project aiming at introducing a new audit product called Audit Compendium by the Contact Committee, aimed at providing an overview of the reports published by EU SAIs in a specific policy area. The pilot project deals with youth unemployment and the integration of young people into the labour market, and is planned to be published during the first quarter of 2018.

Finally, the Court undertakes coordinated audits with EU SAIs on issues of common interest. A recent example is the audit on JASPERS, performed together with the SAIs of Croatia and Poland: each SAI carried out its own audit work, but with close cooperation and exchange of information since the planning stage. The special report on this audit is expected to be published early 2018.

3. *Which initiatives did the Court take to increase the impact of its Special Reports? Did it consider clustering the Special Reports in accordance with specific policy areas, so that the Parliament would be able to produce its own special own-initiative reports based on such clusters instead of working documents, as is the current practice?*

In October 2017 the Court published its 2018-2020 Strategy: *'Fostering trust through independent audit.'* One of our four strategic objectives for the next three years aims at an increased impact of our reports by, inter alia, taking a broad view of EU policies.

The Court's special reports generally focus on specific areas of the EU budget and may therefore be clustered by subject matter where appropriate. Some examples are:

- SR 02/15 'EU funding of Urban Waste Water Treatment plants in the Danube river basin and SR 23/15 'Water quality in the Danube river basin: progress in implementing the water framework directive but still some way to go';
- SR 02/17 'The Commission's negotiation of 2014-2020 Partnership Agreements and programs in Cohesion' and the upcoming SR on 'Ex-ante conditionalities and performance reserve in Cohesion', to be published on 23 November 2017.
- SR 29/2016 'Single Supervisory Mechanism - Good start but further improvements needed', and a SR on the ECB Single Supervisory Mechanism scheduled for publication early 2018;
- SR 19/2015 'More attention to results needed to improve the delivery of technical assistance to Greece', and the upcoming SR on the Commission's intervention in the Greek financial crisis (foreseen publication: November 2017).

These reports generally address complementary aspects or cover different time spans. As a consequence, they are not necessarily published at the same time.

Another example of 'clustering' are Landscape Reviews which bring together audit work done in a certain area over several years. For example, the 2017 landscape review 'EU action on Energy and Climate Change' provides an analysis of 41 special reports on this field, and presents a synthesis of EU SAIs' work on energy and climate change over the past five years.

During 2018, the Court plans to issue several contributions in view of the preparations of the next MFF - such as briefing papers on the Future of the EU budget, the Future of the CAP, as well as Simplifying Cohesion Policy and Horizon 2020. It is also planned to publish two reports on refugee and migration issues, two reports on the European Semester and a Landscape Review on Transport and Mobility.

4. *What are the costs and benefits of having a separate Member of the Court for each Member State?*

The composition and appointment procedure of the Court are set out in the Treaty, and therefore it is not for the Court to make an assessment of its governance structure.

5. *What has been done to improve the visibility of reports for ECA stakeholders and interested EU citizens compared to previous years?*

The Court has taken a number of measures to improve the visibility of reports in recent years:

- Publication of the Annual Work Programme to inform our stakeholders about the upcoming and on-going audit work.
- Announcement of the start of an audit which, for selected tasks, is followed by "audit briefs" providing background information of the area examined and related risks.
- The deployment of a stakeholder management system allowing to provide interested parties (EU Institutions, Member States authorities, media, academia, NGOs, etc.) with timely information about reports, activities and events in a more targeted way.
- Targeted briefings for most publications with media representatives in the topic covered by the audit.
- Production of viewer-friendly video animations for special reports and annual reports, used on our website, social media and during conferences.
- Organization of high-level conferences, with the participation of key stakeholders and policy makers, on EU wide issues that the Court has addressed in its recent reports or landscape reviews (such as on Energy and Climate, Youth and Employment or Financial Instruments in 2016 and 2017) as well as the presentation of reports to conferences organized by others.
- Publication of a monthly online newsletter with an overview of the Court's activities and publications. Interested public may subscribe not only to the monthly newsletter but also to all our upcoming publications by area of interest.

Moreover, during 2017 the Court has substantially increased its presence on social media (such as FaceBook, Twitter, LinkedIn, Instagram), and has conducted social media campaigns for publications and events.

These initiatives will continued and, where appropriate further developed, in the coming years as 'Get clear messages across to our audiences' is also one of our four strategic objectives for the period 2018-2020.

6. *How effective is the rotational system for the audit of other institutions? What could be done to have a more representative audit?*

The methodology of the Court as regards the financial audit of MFF Heading 5 is based on a representative sample of payment transactions selected randomly across all institutions and bodies which are part of the general budget of the EU. Therefore, under the current Statement of Assurance methodology, no institution or body is excluded from the population sampled. The conclusion on the legality and regularity of spending for MFF Heading 5 is based on the results of this examination, and is thus representative of spending in this area.

In addition, the Court examines specific points across all institutions or bodies, either in a single year or on the basis of a rotational approach; this allows an adequate focus. The latter was applied for the Statement of Assurance of the period 2012 to 2015, examining recruitment procedures of temporary and contract staff as well as procurement procedures for all institutions and bodies. The results were reported in the Court's Annual Report. In 2016, the Court examined the implementation of the 5% staff reduction over the period 2013 to 2017 across most institutions and bodies, and the results were reported in the 2016 Annual Report.

Performance audits carried out by the Court contribute to ensure that all institutions and bodies are examined on a regular basis. For instance, we currently undertake an audit of the buildings policy of the EU institutions. Another example is a rapid case study of the implementation of the 5% staff reduction over the period 2013-2017 across all institutions, bodies and agencies which will be published in 2018.

7. *Why did not the Court write a special report on (potential) conflicts of agencies in all agencies, as consistently requested by Parliament since 2012?*

Special Report No. 15/2012, on the management of conflict of interest in selected agencies, was published in 2012. It covered industry related agencies EMA, EASA, EFSA and ECHA. A 2016 follow-up audit found that the recommendations had been implemented fully (8 cases), or in most respects (3 cases).

As stated in the 2018 Annual Work Program, a special report on the ethical framework of selected EU institutions will be published end of 2018. The planning of this audit is currently on-going.

See also reply to Question 35.

8. *What is the state of play of the negotiations of an administrative agreement with OLAF? What is the purpose of this agreement?*

Negotiations for the signature of an administrative arrangement with OLAF are currently ongoing and are expected to be concluded in 2018. The arrangement under negotiation aims at providing a structured framework for co-operation with OLAF, facilitating the timely exchange of information.

9. *How many cases of fraud and corruption were investigated by OLAF in 2016?*

Information concerning possible internal investigations by OLAF in relation to ECA's Members or staff should be obtained directly from OLAF.

10. *How many former MEPs, Commissioners or high officials (from AD 14) still receive money from the budget of your institution as advisors, contract agents or others? What are their tasks and their respective salaries?*

The Court does not employ any of its former Members or high-graded officials in any capacity whatsoever.

11. *What was the amount dedicated by the Institution to travel in 2016 for Members?*

The cost of professional travel for Members in 2016 amounted to 224 000€.

12. *What were the three most important actions taken by the institution in favour of equality? What were the three most important actions taken by the institution in favour of disabled people?*

The Court has an Equal Opportunity Policy, with an Action Plan covering the period 2013-2017. Many of those actions are recurrent and require constant efforts and commitment by the institution. The most important actions in this respect are:

- Constant awareness-raising: debates, workshops, presentations, and implication of the management at all levels on the equality related issues;
- Application of the equal opportunities policy in all HR processes – recruitment, career development, evaluation and promotion, work-life balance;
- Encouraging management to select women for positions with more responsibilities, while encouraging female staff to take on further responsibilities (e.g. applying for Head of Task and management positions).

As regards staff with disabilities, the Court strives to provide reasonable accommodation whenever it is needed. In particular, parking places for handicapped people have been made available, together with special exercise machines and working time credit for therapy sessions to staff in need.

Staff

13. *How many officials worked in the ECA in 2016? Could the ECA provide the Parliament with the table of all human resources broken down by nationality, gender and grade? Please specify the positions of the Heads of Unit, Directors and Director-Generals.*

As of 31 December 2016, 717 officials worked at the ECA. The tables below provide the figures according to nationality, gender and grade.

Table 1.1: AD function group broken down by nationality and grade

Table 1.1.	AD 16-13	AD 12-9	AD 8-5	Total
Austria	2	5	3	10
Belgium	9	17	17	43
Bulgaria	0	3	19	22
Cyprus	0	2	1	3
Czech Rep.	0	3	18	21
Germany	7	29	10	46
Denmark	3	5	0	8
Spain	9	22	13	44

Table 1.1.	AD 16-13	AD 12-9	AD 8-5	Total
Estonia	1	2	6	9
Finland	2	12	4	18
France	6	21	22	49
UK	13	10	4	27
Greece	5	10	13	28
Croatia	0	2	5	7
Hungary	0	7	16	23
Ireland	3	5	1	9
Italy	6	12	22	40
Lithuania	1	6	5	12
Luxembourg	2	1	0	3
Latvia	0	4	6	10
Malta	0	3	5	8
Netherlands	2	6	6	14
Poland	0	10	33	43
Portugal	5	13	13	31
Romania	0	6	27	33
Slovakia	0	4	7	11
Slovenia	0	3	6	9
Sweden	1	6	4	11
			Total	592

Table 1.2: AST and SC function groups by nationality and grade:

Table 1.2.	AST 11-10	AST 9-5	AST 4-1	SC 2-5	Total
Belgium	1	15	5	0	21
Bulgaria	0	1	2	0	3
Czech Rep.	0	2	1	0	3
Germany	0	18	14	0	32
Denmark	0	4	1	0	5
Spain	2	4	6	2	14
Estonia	0	0	3	0	3
Finland	0	2	2	1	5
France	0	39	21	0	60
UK	3	4	2	1	10
Greece	2	3	4	1	10
Croatia	0	0	0	1	1
Hungary	0	0	3	1	4
Ireland	0	1	2	0	3
Italy	1	8	8	0	17
Lithuania	0	3	3	2	8
Luxembourg	1	3	1	0	5
Latvia	0	0	3	0	3

Table 1.2.	AST 11-10	AST 9-5	AST 4-1	SC 2-5	Total
Malta	0	0	3	0	3
Netherlands	0	1	0	1	2
Poland	0	5	4	0	9
Portugal	0	4	4	0	8
Romania	0	3	5	0	8
Slovakia	0	0	1	0	1
Slovenia	0	0	1	2	3
Sweden	0	5	1	0	6
				Total	247

Table 1.3: Contractual staff by nationality and function group

Table 1.3	GFI	GFII	GFIII	GFIV	Total
Austria	1	0	0	0	1
Belgium	3	0	0	0	3
Cyprus	0	0	0	1	1
Czech Rep.	0	0	1	0	1
Germany	2	0	0	0	2
Spain	1	0	0	1	2
France	14	4	1	0	19
Greece	1	2	3	0	6
Croatia	0	0	0	1	1
Hungary	0	1	0	0	1
Italy	4	0	1	2	7
Luxembourg	5	0	0	0	5
Poland	0	0	0	1	1
Portugal	9	0	0	0	9
Romania	0	3	1	0	4
Slovenia	1	0	0	0	1
	Total				64

Table 2: Staff by gender and grade

Grade	Female	Male	Total
AD 16-13	22	55	77
AD 12-9	79	150	229
AD 8-5	145	141	286
AST 11-10	4	6	10
AST 9-5	98	27	125
AST 4-1	73	27	100
SC	10	2	12
GFI	5	36	41
GFII	10	0	10
GFIII	4	3	7
GFIV	4	2	6
Total	454	449	903

Table 3: Management staff by gender and nationality as of 31.12.2016:

	Director			Principal Manager			
	F	M	Total	F	M	Total	Grand total
Austria		1	1				1
Belgium		1	1	1	2	3	4
Bulgaria				1		1	1
Czech Rep.					1	1	1
Germany		1	1	4	3	7	8
Denmark				1	1	2	2
Spain	1		1	2	5	7	8
Estonia					1	1	1
Finland				1		1	1
France				1	5	6	6
UK		3	3		4	4	7
Greece		1	1	1	2	3	4
Croatia					1	1	1
Ireland		1	1		1	1	2
Italy				1	3	4	4
Lithuania	1		1		1	1	2
Latvia				1		1	1
Malta				1		1	1
Netherlands				1	1	2	2
Poland				1	2	3	3
Portugal				2	1	3	3
Romania				1		1	1
Slovakia					1	1	1
Slovenia				1		1	1
Sweden				1		1	1
Total	2	8	10	22	35	57	67

14. *What was the amount of the highest pensions for officials of your institution paid in 2015? What was the average pension paid in 2016 for officials of your institution? What is the average pension paid for officials of your institution who retired in 2016?*

The Court does not have a budget to pay pensions of former officials. Pensions are entirely managed by the Paymaster Office (PMO) of the European Commission. Hence the Court does not have information on the average pension paid, or the highest one. This information is to be requested from PMO.

15. *What were the costs in 2016 respectively for away days, closed conferences or similar events for staff? How many staff members participated in the respective events? Where exactly did these events take place?*

Away days are organised by the Court at the request of services in order to address specific topics related to the working together of team members. Away days take place in outside premises in the proximity of the Court. In 2016, two away days were organised. A total of 124 staff members participated in those events, with a total cost of 8 886,35€ for trainers, room rentals, and catering.

Conferences are organised by the Court on topics related to EU policies, audit methodology, languages, or general subjects. Speakers may be external – think-tanks, politicians, ambassadors, academics or specialists, or internal - team leaders from audit chambers, IT experts. These conferences are often combined with workshops on detailed audit-related topics. In 2016 a total of 3 627 subscriptions by staff were registered, and the cost of these events was 30 953,03€ for external speakers, plus 6 160€ for interpretation services.

16. *How many officials in which functions and grades were retired in 2016 in the interest of service according to Article 50 of the staff regulations?*

One AD15 official in a Director post was retired in 2016 in the interest of the service according to Article 50 of the Staff Regulations.

17. *How many working days were granted as vacation days in 2016 for years of service in your institution? How many persons were concerned?*

In 2016, 100 days of leave for years of service were granted to 20 people (5 per person):

- 10 people for 25 years of service
- 5 people for 30 years of service
- 3 people for 35 years of service
- 2 people for 40 years of service.

18. *We would appreciate a comprehensive overview of staff on sick leave in 2016 broken down by the number of staff members that were on sick leaves and by how many days they were on sick leave? How many days lasted the three longest cases of sick leave? How many days of sick leave concerned Mondays and Fridays in 2016?*

Sick leave days are measured in calendar days. In 2016, 679 staff members took at least half a day of sick leave. More than half of them (343 people) took 5 or fewer days of sick leave during the year. Sickness days during weekends and holidays are also counted in the total. The three longest cases of sick leave correspond to staff with serious illness. Mondays account for 16.5% of all sick leave days, Fridays for 17.5%.

Weekday	Number of sick leave in 2016	% of total
Monday	1588	16,5%
Friday	1689	17,5%
Total	9648,5	

The comprehensive overview requested is shown in the tables below:

Number of days of sick leave in 2016	Number of staff	Total Days
224	1	224
205,5	1	205,5
202	1	202
197	1	197
184	1	184
175,5	1	175,5
166	1	166
158	1	158
149	1	149
144	1	144
139	1	139
134	1	134
129	1	129
127	1	127
123,5	1	123,5
117	1	117
116	1	116
108	1	108
98,5	1	98,5
85	1	85
84,5	1	84,5
80	3	240
79	1	79
77	1	77
76,5	1	76,5
75,5	1	75,5
74,5	1	74,5
72	1	72
70,5	1	70,5
67	1	67
65	1	65
60	1	60
58,5	2	117
58	1	58
56,5	1	56,5
55	1	55
53	1	53
52	2	104
51,5	1	51,5
51	1	51
47	1	47
46	4	184
45,5	1	45,5
45	1	45

Number of days of sick leave in 2016	Number of staff	Total Days
44	2	88
43	1	43
41	1	41
40,5	1	40,5
39	3	117
38,5	1	38,5
38	1	38
37	2	74
36	1	36
35	3	105
34	1	34
33	1	33
32,5	2	65
31,5	1	31,5
31	1	31
30,5	1	30,5
30	2	60
29,5	1	29,5
29	1	29
28	3	84
27	4	108
26,5	1	26,5
26	1	26
25	1	25
24,5	1	24,5
24	1	24
23	3	69
22	4	88
21,5	1	21,5
21	2	42
20	2	40
19	6	114
18,5	4	74
18	7	126
17,5	3	52,5
17	3	51
16,5	4	66
16	8	128
15,5	2	31
15	5	75
14,5	7	101,5
14	6	84
13,5	2	27
13	3	39
12,5	3	37,5
12	12	144

Number of days of sick leave in 2016	Number of staff	Total Days
11,5	5	57,5
11	8	88
10,5	9	94,5
10	12	120
9,5	5	47,5
9	12	108
8,5	7	59,5
8	20	160
7,5	11	82,5
7	15	105
6,5	10	65
6	33	198
5,5	12	66
5	26	130
4,5	11	49,5
4	38	152
3,5	10	35
3	53	159
2,5	9	22,5
2	69	138
1,5	16	24
1	94	94
0,5	17	8,5
Total	679	9648,5

19. *Which policies does the Court have in place to promote the well-being of its staff?*

The Court strives to provide a working environment which will contribute to the well-being of staff, by implementing various measures:

- A policy is in place to combat harassment. A group of contact persons are available to help staff in such cases on an informal and confidential basis. In addition, we ensure that all our staff members have access to appropriate services of a social assistant.
- The Court's Medical Service provides social assistance when needed. They make sure colleagues recovering from long-term illness receive the necessary support, by individual follow-up and monitoring after reintegration to work after long-term sick leave. The Medical Officers provide advice on office ergonomics – ergonomic office equipment adapted to specific needs is available: adjustable desks, special chairs, Swiss balls, special keyboards, etc.
- In terms of work-life balance, the Court provides its staff with flexibility of working arrangements, including growing possibilities for teleworking.
- Providing staff access to various sports facilities in-house: collective sport activities including fitness, yoga, boxing; and sport facilities: outdoor sports court, fitness room, ping-pong facilities.

20. *What were the costs for the expatriation allowance in 2016? How many persons received such an expatriation allowance?*

The total cost of expatriation allowance in 2016 was 12 506 419,69€ for 935 officials, temporary staff and contract agents.

21. *What was the amount dedicated by the Institution to travel in 2016 for staff?*

The cost of missions for staff in 2016 amounted to 3 127 545€.

22. *What was the amount dedicated by the Institution to training for staff inside and outside the EU?*

The amount spent on training in 2016 was 676 552,20€, of which 662 190,83€ were devoted to training inside the EU and 14 361,37€ for training outside the EU. This amount includes the cost for language classes.

23. *What is the average overtime of the Institution's staff in 2016? And in 2013?*

The total overtime hours for which no compensatory leave was taken in 2016 were 17 892 for 389 people. This information is not available for 2013, as according to data protection rules this information is only kept for three years.

24. *Were there any special leaves requested by members of staff in 2016 because of overworking? In this case how many were there?*

No.

Aux Secrétaires Généraux des Institutions européennes au Luxembourg

Les conditions de travail des fonctionnaires et autres agents de l'UE au Luxembourg n'ont cessé de se détériorer depuis 2004. Il en a résulté des conséquences hautement dommageables pour ces personnes, mais aussi pour l'image de marque des Institutions de l'UE en leur qualité d'employeurs.

25. ***Dumping social:*** *des centaines d'agents contractuels sont engagés par les Institutions de l'UE au Luxembourg à des conditions en-dessous des minima prévus par les lois nationales.*

Ainsi, ces agents contractuels ne perçoivent même pas le salaire minimal de l'ouvrier qualifié (2.398.30 € au 1er janvier 2017). Il reste par ailleurs très difficile de comprendre que les lois locales constituent pour la Commission et l'EEAS, un seuil minimum de protection pour les milliers d'agents locaux travaillant dans les Délégations de l'UE de par le monde cf. Art. 121 RAA (Statut FPE), et que ce principe est tout simplement ignoré à l'intérieur de l'UE... Est-ce que votre institution a prévu des solutions à ce problème majeur ? Si non, qu'est-ce les Institutions comptent faire pour le résoudre ?

Des Juin 2016 tous les recrutements d'agents contractuels se font en recrutant les personnes au sein de leur groupe de fonctions, dans un grade et à un échelon leur octroyant une rémunération au moins équivalente au salaire minimal social au Luxembourg.

En même temps, les agents contractuels employés par la Cour qui percevaient un traitement de base Inférieur au salaire minimum social luxembourgeois ont été reclassés dans un grade et/ou un échelon supérieur(s), dans leur groupe de fonctions.

26. ***Jungle sociale dans les crèches-garderies*** : La situation dans ce secteur pourtant très sensible interpelle fortement. L'on y trouve ainsi 5 types de contrats différents pour le même métier d'éducateur : des Salariés de Droit Luxembourgeois (régis par la Convention collective SAS), des Agents Contractuels (GF III au PE et GF II à la Commission), des intérimaires "de longue durée", des prestataires de service et des « indépendants »... En bref une véritable "jungle sociale" pour un métier pourtant réglementé au plan national et exposant les Institutions de l'UE à des critiques de tous ordres, alors qu'il s'agit d'un secteur d'activité on ne peut plus sensible qui accueille des milliers d'enfants en bas âge.

Ne considèrent pas les SG des institutions au Luxembourg que,

- à défaut de clause dérogatoire dans le Statut de la FPE exemptant les Institutions de l'UE, en leur qualité d'employeurs, du respect des lois sociales nationales,

- sur base de la pratique précitée hors UE, et

- vu le caractère d'ordre public et d'application générale, de la Convention collective SAS précitée,

que cette dernière CC devrait être le seul cadre réglementaire applicable à ce collectif travaillant dans les crèches-garderies des Institutions de l'UE au Luxembourg ? En tout cas, qu'est-ce que les Institutions comptent faire pour résoudre ce problème?

La gestion des crèches et garderies européennes n'est pas sous les compétences de la Cour.

Attractivité du Luxembourg en tant que Siège d'Institutions de l'UE: cette situation est aggravée par une disparité de pouvoir d'achat avec Bruxelles de quelques 8.1 % (chiffre 2016). L'EFTA a d'ores et déjà adopté un coefficient correcteur pour son personnel en place au Luxembourg de 8.1 % (Janvier 2016).

27. *Qu'envisagent de faire les Institutions de l'UE pour rétablir la parité de pouvoir d'achat au Luxembourg par rapport à Bruxelles ?*

L'article 64, paragraphe 3, du Statut des fonctionnaires de l'UE stipule que « Aucun coefficient correcteur n'est appliqué en Belgique et au Luxembourg, étant donné le rôle spécial de référence joué par ces lieux d'affectation en tant que sièges principaux et d'origine de la plupart des institutions. » La décision de ne pas introduire des coefficients correcteurs en Belgique et au Luxembourg a été prise par le législateur lors de la dernière révision du Statut¹ en 2013. La Cour n'est pas compétente pour modifier les provisions de ce règlement.

28. *Ne faudrait-il pas, comme premier pas, y mener les 2 Enquêtes Logement, et Dépenses parmi les plus de 10.000 fonctionnaires et autres agents de l'UE affectés au Luxembourg ?*

La Cour n'est pas compétente pour mener ces enquêtes.

29. *Pourquoi ces Enquêtes n'ont jamais été pratiquées au Grand-Duché de Luxembourg ? Avez-vous l'intention de les lancer bientôt? Dans quels délais ?*

Voir réponse à la question N° 28.

¹ Règlement (UE, Euratom) n° 1023/2013 du Parlement européen et du Conseil du 22 octobre 2013, modifiant le statut des fonctionnaires de l'UE et le régime applicable aux autres agents de l'UE

Buildings

30. *Were there any improvements done to the organization of workspaces? What changes have there been in 2016?*

The following building upgrades were performed in 2016:

- A pilot project for the refurbishment of office spaces was launched in K1 building - “Nouvelle Environment de Travail” (NET). Under the concept of modern collaborative workspaces, this pilot project aims at providing staff with versatile workspaces in order to boost their productivity. Two services of the Court are currently using the new spaces created.
- Refurbishment of the cafeteria in K2 building, revamped to improve collaborative interaction with staff.
- Construction of an open air meeting room.

Services

31. *Transfer of appropriations (V/AB-07/T/16): How many pages had to be outsourced for translation in August 2016? What were the costs per page of this outsourcing? What were the reasons for the lack of capacity in the translation teams?*

In August 2016, 5 090 pages had to be outsourced. The total cost per outsourced page was 115.47€ (2016 KIAPI figure calculated according to the interinstitutional agreed methodology).

The lack of capacity in the translation teams during August was the consequence of two factors: the advanced publication of the Annual Report in September 2016, and a significant number of Special Reports being finalised in the period of July-August.

32. *What were the costs of the institution for interpretation, translation and languages classes (those not included in the category of training - see question 22) in 2016?*

The costs for interpretation in 2016 amounted to 291 280€.

The total cost for translation in 2016 was 20 265 967€. This includes direct expenditure for outsourcing, translation-related sub-costs of financial, HR administration and missions, the costs of IT development, training, buildings and other non-staff related expenditures.

All language classes are included in the category of training. Therefore there is no cost for classes outside training.

See also reply to Question 22.

33. *What measures are in the pipeline to reduce costs with official cars and to comply with environment requirements and sustainable mobility?*

At the end of 2016 the internal rules for the use and management of the fleet of vehicles were modified to optimize its use and reduce costs. Since then, a number of measures were undertaken to achieve savings and, at the same time, manage the fleet in a more efficient manner:

- The time that service vehicles remain in use was increased from 4 to 5 years, or should the vehicle's condition permit, up to 6 years;
- The mileage limit was increased from 135.000 to 150.000 kilometers;

- The annual standard distance regarded as journeys undertaken in the performance of official duties was decreased from 15 000 to 10 000 kilometers;
- The use of hybrid cars has been gradually introduced. The fleet currently contains three hybrid cars;
- The management of drivers has been organized in a pool to gain efficiency.

In addition, a call for tender for the leasing of official vehicles was recently launched in cooperation with the Court of Justice. This has resulted in an inter-institutional 4-year leasing contract, signed in June 2017, which has brought better prices and the possibility to introduce hybrid cars at attractive rates. It will be applied to those cars whose leasing contracts come to an end after that date. In consequence, the maximum ceilings for the monthly rental cost were significantly reduced and environmental criteria were introduced. These thresholds are now as follows:

- For vehicles with emissions > 50 grs CO₂/Km: 850€/month.
- For vehicles with emissions < 50 grs CO₂/Km: 920€/month.

Conflict of interests

34. *Which rules are applied to avoid ‘revolving doors’ of (former) Members and staff?*

Rules regarding “revolving doors” are laid down in the Code of Conduct of the Members of the Court, and in the Staff Regulations applicable to former Members and staff. The Court is currently updating the guide on “Frequently Asked Questions on ethical matters”, addressed to Members and staff. It will include the situation of revolving doors. However, the reinforcement of a dissuasive legal framework cannot be developed via internal rules.

See also replies to Questions 1 and 36.

35. *Will the Court of Auditors present a special report on conflicts of interests, as requested by the European Parliament in the discharge report 2015?*

The Court is currently planning an audit on the ethical framework of selected EU institutions. The resulting special report is expected towards end of 2018.

See also reply to Question 7.

36. *Which control mechanisms has the Court at its disposal to prevent and fight against the conflict of interests?*

The Court’s ethical framework aims at avoiding any situation of actual or perceived conflict of interests. It builds on the concept of self –declaration by the person concerned. This principle is generally recognised to be the backbone of any controlling mechanism of situation of conflict of interests. It is not asked to the declarant to decide upon the existence of a situation of a (potential) conflict of interests but to declare any situation that could be potentially create a conflict of interests.

In addition to the Code of Conduct for Members of the Court and the Court’s Ethical Guidelines there are the following set of rules, guidelines and actions:

- Decision No 48-2014 appointing ethics advisers, whose role is inter alia to provide staff with advice concerning the values and principles on which their conduct and behaviour are to be founded, particularly as regards their independence, integrity and impartiality, with advice on

specific situations involving dilemmas and sensitive matters relating to, among others, actual or apparent conflicts of interest, the acceptance of donations, gifts and hospitality, etc.

- Decision No 14-2015 establishing the Ethics Committee envisaged by the Code of Conduct for the Members of the Court, the role of which is to consider any matter of an ethical nature it deems relevant to the standards and reputation of the Court. It assess whether a new outside activity, or any change in an activity previously declared, for a Member is compatible with his/her duties and the respect of the same obligations in the case of former Members of the Court who intend to carry out an activity in the year after they leave.
- Staff Notice No 32/2016 which contained a reminder to the staff's attention about their obligations under the Staff Regulations to declare the gainful employment of a spouse.
- Staff Notice No 48/2017 on outside activities, provides details of the updated rules and procedures for requesting permission to engage in an outside activity for staff members who are in active employment, on leave on personal grounds or leaving the Court.
- For each procurement procedure, the persons involved in the evaluation of the offers are required to sign a declaration of absence of conflict of interests. Evaluation committees and authorizing officers also assess whether the participation of an economic operator to a procedure does not risk affecting the good performance of a contract due to a situation of a conflict of interests.
- Expertise and awareness: Workshops and seminar for ethical advisers and managers but as well for the staff are regularly organised to increase expertise and awareness in ethical matters. Frequent reminders are addressed to the staff regarding their obligations to disclose any conflict of interests prior to the commencement of any task.

See also replies to Questions 1 and 34.

Harassment

37. *What were the expenditures in 2016 for the management/ Court sentences of harassment cases?*

There were no costs in 2016 related to the management/Court sentences of harassment cases.

38. *What is the rate of compliance of your institution with regard to the recommendations of the Ombudsman?*

In 2016 there was no recommendation made directly to the Court by the Ombudsman in relation to an act of maladministration. However the Ombudsman sent to all EU institutions and bodies a recommendation on the information regarding the contentious and non-contentious remedies in all decisions adversely affecting individuals. The recommendation has been duly implemented.

39. *Were there any cases related to harassment reported, investigated and concluded in 2016?*

No, there were no harassment cases reported, investigated or concluded in 2016.

Whistle-blowing protection

40. *What improvements were made regarding procedures for whistleblowing?*

In October 2014, the institution adopted the rules of procedure for providing information in the event of serious irregularities ("whistleblowing") and has developed a specific declaration form for that purpose.

This form is available on the ECA's intranet and the ECA's website at the link: <http://www.eca.europa.eu/en/Pages/Transparency-public-scrutiny.aspx>, along with a link to the OLAF's platform for fraud reporting.

41. *Have there been any cases of whistleblowing in 2016?*

Yes, there have been two cases of whistleblowing in 2016.

42. *How many whistle-blower cases did the Court handle and resolve in 2016?*

The whistle-blowers cases were transferred to OLAF.