

## 2018 Discharge

### Questionnaire to the European Court of Auditors

Hearing: 12 November 2019

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#### General

- 1 *What was the cost of outsourcing of translation in 2018? What would have been the cost if the translations had been carried out by in-house services?*

Using the common inter-institutional methodology for translation statistics (KIAPI) the cost of outsourcing translation at ECA in 2018 was 3 540 935 € (compared to 2 660 512 € in 2017). Based on the KIAPI cost per page of internal translation, if the translations had been carried out by in-house services the cost would have been 6 122 501 € (4 595 681 € in 2017).

- 2 *Do you plan to fix a maximum of reports to be published a year? Does the Court consider there is an amount of reports above which the amount of attention towards each individual report might decrease?*

The number of reports published each year is established by the Annual Work Programme (AWP). When selecting audit tasks, the ECA takes into account, inter alia, the suggestions made by the European Parliament (EP) through its Conference of Committee Chairs. Since 2017, the ECA indicates the reports that will be published in the forthcoming year. This is followed by quarterly implementation reports.

Over the last three years, the output has remained within a range of 30 to 45 special reports or reviews published annually. During this period, there was an increasing interest in the ECA reports by institutional stakeholders, media and the public.

- 3 *Audit visits range in length from a few days to a couple of weeks. How do you determine the necessary duration of a mission?*

Most of the audit work is carried out at the premises in Luxembourg. However, auditors also carry out audit visits both within and outside the EU – a majority of audit visits take place in Brussels. The 2018 Annual Activity Report (p.15) provides an overview of the days of audit visits in EU Member States and non-EU countries.

The audit visits undertaken for a given task are set out in the Audit Planning Memorandum (APM) or, in the case of reviews, in the task plan. The duration of an audit visit depends on the kind of audit work to be undertaken, the number of meetings, the number of projects to be audited, and the travelling time required for travelling to and from the locations where the audit visits takes place.

Each visit is planned and prepared for by the audit team. When doing so, care is taken that these audit visits can be carried out in the most cost-effective manner.

- 4 *Between 2015 and 2018, the number of special reports and review-based publications doubled (from 22 to 44). How do you explain that this increase was possible without an increase of staff?*

Between 2015 and 2018, the ECA improved its performance significantly by doubling the number of published reports, while reducing the number of staff by 5% during the period 2013-2017 to comply with the inter-institutional agreement on staff reduction.

There are three main factors contributing to this increase in our annual output:

1. From 2015 onwards, an internal administrative and organisational reform aimed at greater flexibility in managing our resources and an increased focus on the core business: audit. The reform also streamlined operative, control and monitoring audit procedures.
2. The new Financial Regulation<sup>1</sup> introduced as from 1<sup>st</sup> January 2016 a 13-month target for the finalisation of audit reports. This resulted in shortening the average duration of audit tasks.
3. Lastly, in accordance with our 2018-2020 strategy, we have introduced a number of review-based products in the past few years, which take less time to produce than Special Reports.

The combination of more flexible use made of our resources, shorter audit tasks and the introduction of reviews are in our view the main reasons explaining that this increase was possible without an increase of staff.

- 5 *KPI 4 of the Court is based on the amount of products published, whereas KPI 3 is based on the amount of appearances of the Court in the EP, Council and National Parliaments. Have both of these indicators increased proportionally between 2008 and 2018?*

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<sup>1</sup> Article 163 (1) of the 2016 Financial Regulation.

In 2018, following the adoption of the 2018-2020 strategy, the ECA has developed a new set of performance indicators, composed of key performance indicators (KPIs) and business performance indicators (BPIs). These indicators are used since 2018.

The current KPI4 counts the number of Special Reports (SRs) published (rather than adopted, as in the previous period). To allow for a better comparison, the table below shows the number of SRs published per year.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2017-18
No of SRs published	11	18	14	18	24	22	20	22	39	28	35	+25%
Other products										2	9	
Appearances in EP										91	133	+47%
Appearance in Council										47	65	+39%
Appearance in nat. parliaments										19	50	+164%

Similarly, the current KPI3 on the ECA appearances in the EP, Council and national parliaments has only been in place as from 2018. Previously, the frequency of such appearances was not part of our performance measures. The 2018 Annual Activity Report (pp.50-53) provides a more detailed information on the performance management system.

6 *94% of the recommendations made by the Court in 2014 have been implemented in full, in most aspects, or in some aspects. Would you be able to explain the possible barriers to implement the remaining 6%?*

The six recommendations made in 2014 that are not yet implemented were rejected by the European Commission (EC):

- Four were made in SR 7/2014 on ERDF Business incubators, and rejected because the EC considered that there was no legal basis for their implementation. Moreover, it considered that these recommendations should have been addressed to the Member States;
- The EC rejected a recommendation from SR 9/2014 (“EU investment in the wine sector”) for regulatory reasons;
- Finally, the EC rejected one recommendation of SR 20/2014 on E-commerce for other reasons, although it did not disagree with the content and aim of the recommendation.

7 *Please name three of the institution's main achievements and successes in 2018. How do they affect in the institution's challenges for the future?*

In line with our strategic goals, our main achievements in 2018 were:

a) Statement of Assurance (SoA): moving towards an attestation engagement approach

Regarding the 2017 and 2018 SoA, the ECA successfully piloted an attestation approach in the area of 'Cohesion'. The pilot allowed to analyse where shortcomings persist, both at the level of the EC and in the Member States, thus helping us to promote accountability and further improvement of the management of EU finances.

The ECA intends to expand this approach to other spending areas, but will need the EC's commitment and cooperation to make further progress. In the long term, the ECA aims to apply an attestation approach to the entire SoA, which would mean forming the audit opinion based on the EC's management and control statement.

b) Clear and transparent communication

In 2018, the ECA published a record number of 35 special reports, 10 Opinions, and 9 review-based publications (in addition to 6 annual reports), which included our timely input to the future MFF.

As set out in its 2018-2020 Strategy, the ECA has launched a number of initiatives to step up efforts to communicate its products and get messages across to audiences. First, by promoting reports at the EP more actively. During 2018, we made 133 presentations at the EP, 65 at the Council and 50 in national parliaments. At the same time, contacts with media and the press were increased: in 2018, there were 76 press releases and nearly two dozen press briefings.

The ECA has also started to communicate about planned and on-going audit work (e.g. through the publication of the work programme, announcing the start of audits). This increased transparency of the audit work and boosted the interest in the ECA publications by EU Member States' parliaments, as well as in national and EU-focused media.

The ECA has strongly invested in social media, and efforts are paying off: the coverage in online media nearly tripled in 2018 as compared to 2017. Presence on social media has also increased markedly – see more details in reply to question 49.

We intend to continue our communication efforts along these lines in the coming years.

c) Increased focus on performance

As set in its 2018-2020 strategy, the ECA is increasingly focussing its work on assessing performance, mainly by covering a broader range of topics - such as economic/financial

governance, and by looking at areas where the Union mainly acts as a regulator - such as air quality or passenger rights. In addition, as of next year the ECA plans to issue a specific annual report on performance. This increasing number of performance-related audits did however not come at the expense of the financial and compliance audit activities, which were maintained at level similar to previous years.

We intend to further develop our performance audit practice in the years to come.

These three aspects, and the extent to which we have successfully implemented the corresponding goals of our 2018-2020 strategy, are currently reviewed by our peers from the SAIs of Estonia, the Netherlands, Denmark and the USA. We expect that their report will be finalised by the end of this year (see also the reply to question 46)

### **Staff**

- 8 *What progress Member States and the Council as endorsed by Parliament in its resolution of 4 February 2014 have made in establishing criteria for the appointment of members to the Court?*

The criteria to appoint Members of the ECA are set out in Art. 285 and 286 TFEU. The assessment of the candidates against these criteria is the responsibility of each Member States, the Council, and the European Parliament. The ECA has no active role in the appointment of Members.

- 9 *How are the high standards of integrity and morality and relevant qualifications of the candidates rated? How the independence and non-involvement in political parties is ascertained and ensured?*

The ECA has no active role in the appointment of its Members (see reply to question 8 above).

- 10 *What progress has been made in developing stronger controls on the external activities of members and ensuring that they submit declarations of interests instead of declarations of the absence of conflicts of interest? What is the outcome of the external peer review of the Court's ethical framework?*

According to the Code of Conduct for ECA Members, they must submit a declaration of interests to the President upon taking office. This declaration is published on the website of the ECA. The declaration must be revised in the event of significant changes. It must also be completed when a Member leaves office.

The external peer review report on the ECA's Ethical Framework has been provided to Parliament. It will be followed by initiatives to make improvements to internal rules where necessary.

*11 Does the Court plan to use the pre-selection procedure for members at the Court according to the model of pre-selection procedure for judges at the European Court of Justice?*

The procedure and the criteria to appoint the Members of the Court are set out in the TFEU. To set up an advisory committee similar to the one established for the selection of the Members of the European Court of Justice pursuant to Article 255 TFEU, would require modifying the TFEU.

*12 What was done to improve the well-being of the staff, thus strengthening its efforts to improve staff well-being and work-life balance? What progress has been made in preparing an action plan on this matter?*

The ECA constantly makes efforts to improve the well-being of staff, by improving the working environment, the working conditions and by taking care of our staff. In 2018 there were several initiatives taken to improve staff's well-being:

- a) The ECA launched a staff satisfaction survey, the results of which were discussed by the Administrative Committee and the ECA. An action plan was adopted to address the issues where staff showed the lowest levels of satisfaction. The action plan contains specific actions in the field of career development, performance evaluation, internal communication, equal opportunities and training.
- b) The internal rules concerning working time and teleworking conditions were revised to improve them. The modified working time provisions introduced more flexibility in terms of staff organising their working hours, by increasing the timeslots where staff can register their hours, and reduced the core hours when staff need to be present in their office. The revised teleworking provisions introduced the possibility of teleworking to all categories of staff, providing a structural and occasional teleworking schemes. This significantly increased the flexibility of working arrangements for staff.
- c) The ECA, in cooperation with the EIB, signed a contract with four psychologists to provide up to five sessions free of charge for staff needing their services, in full confidentiality.
- d) There were various conferences, classrooms and online courses on well-being, resilience, mindfulness, that were made available to staff

*13 In 2017, there were many burnout cases among the staff. How many burnout cases were in your institution in 2018?*

There were three cases of burnout among staff in 2018 made aware to the ECA's Medical Service.

*14 The EP is concerned by the situation that members of the Court may be absent from the Court without justification and without having to request leave for one or more days. What*

*progress has been made in establishing a register of members' annual leave, sick leave and absence from work for other reasons to ensure that all leave taken by members is recorded effectively?*

The ECA has introduced a new procedure in its internal rules by which the Member chairing a Court, chamber, or committee meetings must record the presence and absence of Members. Members absent may be excused based on a duly justified written request for specific reasons: illness, serious family circumstances, force majeure, or mission. The Secretariat of the Court keeps an Attendance Register with this information and any supporting documents.

*15 Have there been any evaluations on the action plan to improve staff satisfaction, the well-being of staff and the work-life balance?*

The action plan established following the Staff Satisfaction Survey of 2018 (see reply 12.a) above) was adopted in March 2019 and is still ongoing. Therefore, no evaluation has taken place yet. A number of actions however have already been implemented, among which:

1. Organising several workshops and an information session on the topics of promotions and performance evaluation, which both received lower levels of satisfaction in the 2018 survey. Staff members were able to provide their feedback, comments, and ideas for improvement of the systems.
2. The promotion procedure was analysed ex-post in order to make sure that there is no bias based on maternity, parental leave or part-time taken.
3. A short-term secondment programme to the Private Offices of ECA members was introduced for auditors who have been working at the ECA, but have never had the opportunity to work at a Private Office. The aim is to give auditors a broader perspective to the work of the Members, and to further improve internal communication.
4. Regular HR information sessions available to all staff are organised. In addition, regular informal meetings with staff are held with the HR Director ("breakfasts with HR director"). Both measures aim at improving the communication between the administration and staff.
5. Additional training courses were developed for AST staff, as well as for experienced auditors.
6. A working group has been set up to improve the definition of roles and responsibilities for certain categories of staff following the reform of the Court.
7. A number of awareness-raising presentations have been organised on topics related to Equal Opportunities.

16 Could you please provide a table of all human resources broken down by nationality, type of contract, gender and grade for the year 2018, and an overview of how these figures compare with the year 2017?

Figures as of 31 December 2018.

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 2018	Total 2017
Austria	2	6	1	9	9
Belgium	10	16	9	35	38
Bulgaria		7	17	24	24
Croatia		2	5	7	7
Cyprus		2		2	2
Czech Republic		11	12	23	23
Denmark	2	3	2	7	8
Estonia	1	5	4	10	10
Finland	2	13	4	19	19
France	7	27	16	50	50
Germany	10	26	9	45	45
Greece	5	11	14	30	29
Hungary		14	10	24	24
Ireland	3	3	1	7	8
Italy	4	15	19	38	42
Latvia	1	7	3	11	10
Lithuania	1	8	3	12	12
Luxembourg	2	1		3	3
Malta		3	6	9	9
Netherlands	4	3	5	12	12
Poland	2	14	31	47	44
Portugal	5	15	7	27	28
Romania		11	29	40	38
Slovakia		6	5	11	12
Slovenia		5	5	10	10
Spain	8	24	14	46	45
Sweden	2	6	5	13	12
United Kingdom	13	7	4	24	25
<b>Total</b>	<b>84</b>	<b>271</b>	<b>240</b>	<b>595</b>	<b>598</b>



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

Table 16.2	AST 11-10	AST 9-5	AST 4-1	SC 2-5	Total 2018	Total 2017
Austria				1	1	
Belgium	1	18	1		20	21
Bulgaria		1	2	1	4	4
Croatia				1	1	1
Czech Republic		2	2	1	5	4
Denmark		2	1		3	4
Estonia			1	1	2	1
Finland		3	1	1	5	4
France		40	16	2	58	61
Germany		23	6	1	30	31
Greece	2	4	2	1	9	9
Hungary		2	1	1	4	4
Ireland		2		1	3	3
Italy	1	8	6	2	17	18
Latvia			3	1	4	3
Lithuania		4	2	1	7	7
Luxembourg	1	2	1	1	5	5
Malta			3		3	3
Netherlands		1			1	2
Poland		7	1		8	8
Portugal		4	3		7	8
Romania		6	2		8	8
Slovakia			1	1	2	1
Slovenia			1	2	3	2
Spain	1	6	4	2	13	13
Sweden		6			6	5
United Kingdom	2	5		3	10	9
<b>Total</b>	<b>8</b>	<b>146</b>	<b>60</b>	<b>25</b>	<b>239</b>	<b>239</b>

Table 1.3: Contractual staff by nationality and function group

Table 16.3	GFI	GFII	GFIII	GFIV	Total 2018	Total 2017
Austria				1	1	2
Belgium	5				5	3
Bulgaria				2	2	1
Croatia				1	1	
Cyprus				1	1	1
Czech Republic				1	1	1
Estonia			1		1	1
France	18		2	1	21	22
Germany	2		2		4	2
Greece	1		5	1	7	7
Hungary			1		1	1
Ireland						1
Italy	3	1	2		6	6
Latvia	1				1	
Lithuania				1	1	2
Luxembourg	4				4	5
Poland				1	1	1
Portugal	10			1	11	11
Romania				2	2	2
Slovenia		1		2	3	2
Spain	1			1	2	2
<b>Total</b>	<b>45</b>	<b>2</b>	<b>13</b>	<b>16</b>	<b>76</b>	<b>73</b>

Table 2: Staff by gender and grade

Grade/Gender	F	M	Total	Share women 2018	Share women 2017
AD 16-13	22	62	84	26,2%	27,1%
AD 12-9	103	168	271	38,0%	36,1%
AD 8-5	135	105	240	56,3%	54,3%
AST 11-10	4	4	8	50,0%	44,4%
AST 9-5	113	33	146	77,4%	78,2%
AST 4-1	45	15	60	75,0%	73,2%
SC 1-5	19	6	25	76,0%	82,4%
GFI	5	40	45	11,1%	11,1%
GFII	1	1	2	50,0%	100,0%
GFIII	10	3	13	76,9%	60,0%
GFIV	10	6	16	62,5%	63,6%
<b>Total</b>	<b>467</b>	<b>443</b>	<b>910</b>	<b>51,3%</b>	<b>50,9%</b>

Table 3: Managers by gender

Job Title	F	M	Total
Member	6	22	28
Head of Private Office	6	23	29
Secretary-General		1	1
Director	3	7	10
Principal Manager	21	33	54
<b>Total</b>	<b>36</b>	<b>86</b>	<b>122</b>

17 *Could you please provide us a table of staff broken down by type of contract for 2013 and 2018? What was the average duration of contractual employments (including renewal of contracts) in 2013 and in 2018?*

Table 4: Number of posts

Type	2013	2018	Variation
Permanent posts	752	700	-6,91%
Temporary post	139	153	10,07%
Total posts	891	853	-4,26%

There were 15 Seconded National Experts as of 31.12.2018 (compared to 7 in 2013).

There were 76 contractual agents as of 31.12.2018 (compared to 59 in 2013); this figure includes the agents hired following the reinforcement of the security measures at the ECA premises, and contract agents hired in the framework of the ECA's Graduate Programme.

The average duration of contract agents recruited under Article 3b of the Conditions for Employment of Other Servants of the EU (maximum duration 6 years) was 3,5 years in 2013 and 3,1 years in 2018.

18 *Please present a gender and nationality breakdown of your middle and senior management positions (Court members included).*

For information on managers by gender, please see Table 3 in question 16.

Table 5: Managers by nationality

Country	Member	Head of Private Office	Secretary-General	Director	Principal Manager	Total
Austria	1	2		1	1	5
Belgium	1	4		1	3	9
Bulgaria	1	1			1	3
Croatia	1				1	2
Cyprus	1					1
Czech Republic	1				1	2
Denmark	1	1			1	3
Estonia	1	1			1	3
Finland	1	1			1	3
France	1	1			5	7
Germany	1	2		1	7	11
Greece	1	1		2	2	6
Hungary	1	1			1	3
Ireland	1	1			2	4
Italy	1	1			3	5
Latvia	1	1			1	3
Lithuania	1	1		1	1	4
Luxembourg	1	1				2
Malta	1				1	2
Netherlands	1	2			2	5
Poland	1	1		1	2	5
Portugal	1	2			3	6
Romania	1				1	2
Slovakia	1	1			1	3
Slovenia	1				1	2
Spain	1	1		1	6	10
Sweden	1				1	2
United Kingdom	1	2		2	4	9
<b>Total</b>	<b>28</b>	<b>29</b>	<b>1</b>	<b>10</b>	<b>54</b>	<b>122</b>

19 We would appreciate a comprehensive overview of staff on sick leave in 2018, broken down by the total number of staff member that were on sick leave and by how many days they were on sick leave in total. How many days lasted the three longest cases of sick leave? How many days of sick leave concerned Mondays and Fridays in 2018? What was the evolution since 2013?

Sick leave days are measured in calendar days. In 2018, 681 staff members took at least half a day of sick leave. More than half of them (350 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 and Fridays account respectively for 15.7 % and 16.7 % of all sick leave days.

Weekday	Number of sick leave days	% of total
Monday	1615	15,7%
Friday	1712	16,7%
Total	10254,5	

The table below presents the situation between 2015 and 2018. This information is not available for 2013 and 2014, in accordance with data protection rules.

Year	Number of staff taking sick leave	Total number of days
2018	681	10 255
2017	677	10 327
2016	679	9 649
2015	687	8 636

A comprehensive overview of the sick leave taken in 2018 is shown in the table below:

Days of sick leave	Number of people	Total of days
360	1	360
359	1	359
317	1	317
241	1	241
209,5	1	209,5
208	1	208
205,5	1	205,5
177,5	1	177,5
170	1	170
166	1	166
152	1	152
132,5	1	132,5
131	2	262
113,5	1	113,5
108	1	108
107,5	1	107,5

Days of sick leave	Number of people	Total of days
105	1	105
100,5	1	100,5
96	1	96
83	1	83
82	1	82
75	2	150
72	1	72
70	1	70
68	1	68
63	3	189
59	1	59
57	1	57
56,5	1	56,5
56	1	56
55	3	165
54	1	54

Days of sick leave	Number of people	Total of days
50,5	1	50,5
49	1	49
47	1	47
46	2	92
45,5	1	45,5
45	1	45
44,5	2	89
41	1	41
40,5	1	40,5
40	2	80
39	1	39
37	1	37
36	3	108
35,5	1	35,5
35	2	70
34,5	1	34,5
34	5	170
33,5	1	33,5
33	1	33
32,5	1	32,5
31	2	62
30,5	1	30,5
30	2	60
29,5	1	29,5
29	1	29
28	2	56
27,5	1	27,5
27	4	108
26,5	1	26,5
26	2	52
25,5	1	25,5
25	3	75
24	4	96
23,5	2	47
23	2	46
22	2	44
21,5	2	43
21	2	42
20,5	1	20,5

Days of sick leave	Number of people	Total of days
20	2	40
19,5	2	39
19	8	152
18	9	162
17,5	2	35
17	8	136
16,5	2	33
16	4	64
15	14	210
14,5	4	58
14	12	168
13,5	2	27
13	6	78
12,5	3	37,5
12	13	156
11,5	3	34,5
11	13	143
10,5	2	21
10	15	150
9	15	135
8,5	8	68
8	23	184
7,5	6	45
7	24	168
6,5	5	32,5
6	26	156
5,5	5	27,5
5	38	190
4,5	9	40,5
4	33	132
3,5	9	31,5
3	52	156
2,5	10	25
2	82	164
1,5	18	27
1	78	78
0,5	12	6
<b>Total</b>	<b>681</b>	<b>10254,5</b>

*20 To what extent has staff been involved in carrying out activities that would justify a higher function group?*

It is not possible to evaluate the extent to which staff members are involved in carrying out activities that would justify a higher function group.

Officials in the AST function group who have demonstrated a potential to carry out an administrator's function have the possibility to be appointed in the AD function group in the framework of the annual certification procedure.

*21 What were the three most important actions taken by the institution in favour of equality?*

The three most important actions taken were:

- i) The training of internal trainers who would deliver the obligatory course on unconscious bias to members of selection panels (started in 2019);
- ii) Continued efforts on awareness-raising: several workshops and presentations were organised, some of them organised by or in intensive cooperation with the Committee on Equal Opportunities (COPEC); four Directors and several Principal Managers participated in a two-day workshop on Diversity and Inclusion, organised by the ESM and designed mostly for men, thus improving the implication of the management on equality related issues;
- iii) New decisions on working time and teleworking were adopted in 2018, to provide more flexibility and to facilitate work-life balance.

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

The ECA provides reasonable accommodation to staff as needed, on an ad-hoc basis and in consultation with the Medical Service. During 2018:

- i) An ECA staff member attended a training and received a certification from the ILO to be a Disability Equality Facilitator, with her main role to raise awareness among staff;
- ii) The ECA continued to provide reasonable accommodation as needed, including specific working equipment and working time credit or special work patterns to staff in need. Specific working equipment includes the provision of ergonomic IT equipment and stand-up electrical tables;
- iii) The facilities project -finished in 2018- took into account the access of people with disabilities (new accreditation centre at the entrance of the ECA's main building, and the refurbished terrace in the K3 building).

*23 Were there any improvements done to the organisation of workspaces? What chances have there been in 2018?*

During 2018, the project to reinforce the security of the premises and staff was completed. The new security control centre and the external accreditation centre and access control came to operation in September 2018.

Finally, the terrace of the K3 building was repaired and its access was adapted to people with disabilities.

*24 What flexible working arrangements does your institution offer?*

The ECA offers its staff flexible working arrangements allowing them to have greater control on their working hours to facilitate their work-life balance. Under these arrangements, staff have flexibility for the time of arrival and departure from work, subject to the respect of core hours where presence in the office is compulsory.

In addition, the ECA offers the possibility of part-time working, under the conditions set out in the Staff Regulations, as well as parental leave for parents of young children, and various kinds of special leave.

In 2018, the ECA adopted a decision on teleworking, which provides this possibility to almost all categories of staff (with the exception of drivers, security and catering staff). Staff members have the opportunity to benefit from occasional teleworking up to an annual limit of 30 days, and a monthly limit of 5 days (reduced to 15 and 2,5 days respectively for managers). Structural teleworking is available up to a weekly limit of 2 days.

*25 How often are flexible working arrangements used? Has there been a development in the frequency?*

The flexible working arrangements apply to all staff, except certain categories for whom this is not possible for practical reasons (e.g. security staff working in shifts), and to staff with managerial responsibilities, as it is stipulated in Article 55 of the Staff Regulations. Apart from these exceptions, all other staff members use the flexible working arrangements on a daily basis.

*26 What is the share of men and women respectively using these working arrangements?*

During 2018, 13 % of staff working part-time were men, and 87 % women; 31 % of staff who took parental leave were men, and 69 % were women.



*27 To what extent does your institution encourage young parents to make use of flexible working arrangements to improve life-work balance?*

Staff is kept informed of the possibilities available – part-time work, parental leave, reduced working hours for breastfeeding. During workshops and presentations of the scheme to the staff, these possibilities were underlined.

*28 Can all categories of staff apply to these working arrangements?*

Statutory rights like part-time work and parental leave are available to all staff. Flexible working arrangements and teleworking are available to all staff with very few exceptions – security staff working on shifts, staff employed in the catering services, drivers.

*29 Was any staff member placed on leave in the interest of the service according to Article 50 of the staff regulations? If yes, what were the reasons?*

No officials were retired in the interest of the service according to article 50 of the Staff Regulations in 2018.

*30 Considering that the declaration of financial interests of members are published online and are subject to public scrutiny, could you please specify how a member can contest the information? In this case, would the Ethics Committee reassess a Member's situation?*

Any information that could be transmitted by citizens, with regard to the declaration of interests of the Members, would be carefully analysed and considered. If it were to raise ethical problems, it would be submitted to the Ethics Committee.

*31 Could you specify the measure taken regarding the employment of staff holding only UK nationality?*

It is expected that the withdrawal of the UK from the EU will not have major impact on the structure and human resources of the ECA, as:

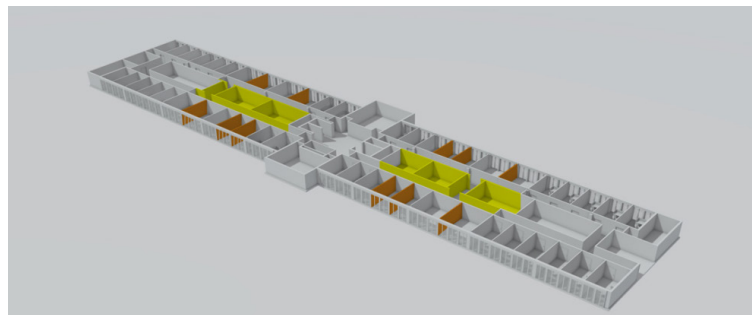
- Regarding officials of UK nationality, the ECA has committed to use its discretionary power in accordance with Article 49 of the Staff Regulations, to not dismiss them on the sole ground that they are no longer nationals of an EU Member State;

- Concerning temporary and contract agents, the institution is required by law to examine individually case by case, and to authorise exceptions when justified in the interest of the service. The ECA has committed to make an open and transparent use of this possibility to authorise exceptions; its assessment will be based solely on the interest of the service.

32 *Concerning the modernisation of the K2 building, does this imply creating open spaces? Has the staff been consulted, if this is the case? If so, what is the staff response?*

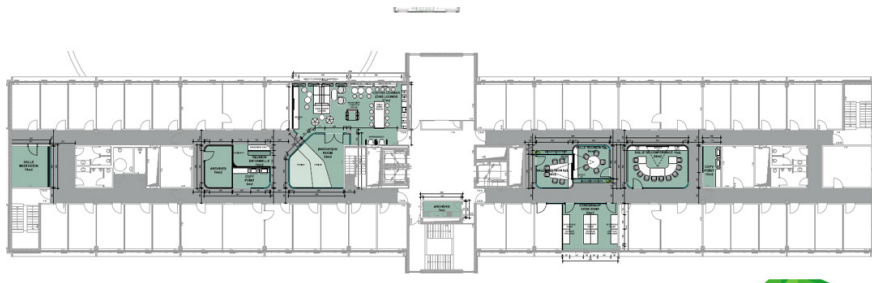
The modernisation project of the K2 building does not consider the creation of open spaces. The purpose of the project is to upgrade the building technical installations taking into consideration new environmental concerns and to transform the current archiving spaces (not needed any more due to digitalisation) into a set of common collaborative spaces (meeting and videoconference rooms, coffee corners, etc.)

We performed a preliminary study in 2017 with the assistance of specialised consultants. The methodology included the participation of staff representatives. The outcomes of the study were taken into account in what is the current project proposal. The following pictures illustrate the scope of the works:



Archives in central areas to be refurbished

Proposal:



33 *Would you say that the Court had a fair recruitment practice policy in 2018? Were there any complaints, lawsuits or otherwise reported cases of non-transparent hiring or firing of staff?*

The ECA strives to have fair recruitment practices and to provide equal opportunities to candidates and staff members at all stages of the recruitment process. To ensure a fair recruitment practice, all selection panels need to include representatives of both genders, and a training course on unconscious bias has been made obligatory for recruitment panel members.

The main recruitment channels are the following: i) EPSO auditor and other lists; ii) transfer requests from other institutions; iii) Court procedures for recruiting specialists

(e.g. macroeconomists, banking specialists); iv) auditors from SAIs for placements at the Court for a period of a maximum of six years.

2018 was a particularly difficult year for the recruitment of auditors. This was because: i) the cost of living in Luxembourg is such that it is becoming increasingly difficult to attract talent; ii) the successful candidates remaining on the EPSO auditor lists were either not interested in employment at the Court or they did not have a profile which fitted our needs. In addition, during the year eight successful candidates who were interviewed and were offered a place subsequently refused the offer. In some of these cases, they used the offer to negotiate employment with another institution, in most cases in Brussels.

EPSO auditor competitions entail a heavy administrative burden for the Court, as the large selection panels are made up of Court staff only and, in addition, a large number of other staff are assigned to the task of marking the written scripts. This has to be seen in the light of the difficulties the ECA is facing in identifying future staff from the EPSO auditor lists. For instance: i) EPSO/AD/277/14 (ECA competition list): ECA recruited 13 and other institutions 14; ii) EPSO/AD/302/15 (ECA competition list): ECA recruited 11 and other institutions 50; iii) EPSO/AD/322/16 (joint competition list): ECA recruited 6 and other institutions 51.

In order to respond to this challenging situation in recruitment, in September 2018 the ECA issued the Junior Professionals Programme call for temporary staff. The reserve list was published in December 2018 with quite a variety of academic profiles and experience.

In 2018 the ECA recruited 8 auditors, of which 7 officials and 1 temporary agent.

During 2018, there were there no lawsuits or otherwise reported cases of non-transparent hiring of staff.

*34 What were the costs in 2018 respectively for away days, trainings, closed conferences or similar events for staff? How many staff members participated in the respective events? Where did these events take place?*

Please find the answer to this question below:

Away days – in Luxembourg (Eurocontrol, Foyer européen, Hotel Parc Belair)

Costs: 34 418 €

Participants: 350

Closed conferences – at the ECA's premises

Costs: 29 349 €

Participants: 3662

Training courses (internal, external, excluding language courses)

Costs: 459 308 €

Participants: 3710

### **Inter-institutional activities**

- 35 *What results have been achieved by participation of the Court in the inter-institutional Integrated Financial and Activity Planning (IFAP) project?*

The ECA currently has a computerized audit system (AMS) that includes the number of weeks and staff involved in each audit. On this basis, it is relatively easy to calculate the cost per audit. ECA has closely followed the progress in the IFAP project, but considers that the benefit with respect to the investment of time needed to apply it in its current state is not profitable. We are also following what the new version of SAP (S/4HANA) brings up in this respect and we would appreciate to continue to be involved in future developments.

- 36 *Are there new findings as to what extent the legislative proposals for the 2021-2027 period would allow for a shortening of the discharge procedure?*

The ECA must be given the necessary time to carry out its audit work in full compliance with international auditing standards. While, in principle, it would be desirable to complete the discharge procedure faster, there are however no new elements that would allow to shorten the procedure as set by the Financial Regulation. As set out in the previous letter on this matter from President Lehne to Chair Gräßle, the Court is open to further discussing the matter with the CONT Committee and other relevant actors in order to find mutually acceptable solutions.

- 37 *Has there been any reaction from the European Central Bank regarding the Memorandum of Understanding proposed by the Court, which could govern the access to documents in practice?*

The MoU between the ECB and ECA regarding audits of the ECB's supervisory task, was signed on 9 October 2019, by Mr Brenninkmeijer - Dean of Chamber IV, on behalf of the ECA, and Andrea Enria - Chair of the ECB Supervisory Board, on behalf of the ECB, and has been provided to Parliament for information.

- 38 *Was there an agreement reached with the Commission permitting the Court to receive an advance copy of the AMPR prior to the legal deadline set in Article 247(2) of the Financial Regulation (31 July of year N+1) in order to publish the annual report on performance on (or very close to) the legal deadline stipulated by Article 258(4) of the Financial Regulation, i.e. 15 November of year N+1?*

The ECA and the EC are still negotiating an agreement for a specific date by which the EC would transmit an advanced copy of the 2019 AMPR. The EC was made aware that for the ECA to publish the 2019 Annual Report on Performance by 15 November 2020, it is crucial to receive an advanced copy of the 2019 AMPR by 15 June 2020. That is not only before

the 31 July 2020 legal deadline<sup>2</sup>, but also before the 30 June 2020 legal deadline for making the 2019 AMPR available to the EP, the Council and the ECA<sup>3</sup>.

*39 Have there been any administrative arrangement for a framework for cooperation between the Court and EPPO, now that the Chief Prosecutor has been appointed?*

The ECA cannot enter to discuss with EPPO the future modalities of cooperation before the College of the EPPO is fully appointed. However, contacts at all relevant levels have already been made in order to proceed as efficiently as possible once the necessary conditions are in place.

### **Payments**

*40 What measures have been taken with regards to problematic aspects of missions?*

In December 2017, the ECA adopted decision 61-2017 which clarified the rules governing the missions of the Members. The decision came into force on 01.02.2018, and clarifies in particular the information required to communicate when requesting a mission order.

The decision includes a new rule. If a mission is combined with an absence for personal reasons longer than seven calendar days, the amount reimbursed for transport is equal to the cost of the return journey from the place of leave to the place of mission, up to the limit of the notional return journey between the premises of the ECA and the place of mission.

*41 What improvement has been made in the process of requesting mission orders? What information does the Court require in relation to undertaken missions?*

Improvements have been made as regard the mission conducted by Members of ECA. Missions are defined as travel by a Member of the ECA, on official business and with a link to the ECA's work, in the context of the functioning of the EU, away from the ECA's place of work. A link with the ECA's work exists where:

- The subject-matter of the event or discussion is related to the ECA's work, or
- Members attend an event in their capacity as Members of the ECA.

Members shall demonstrate the link between the requested mission and the ECA's work. The Annex to this decision contains examples of activities having the necessary link with the ECA's work.

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<sup>2</sup> Article 247(1) of the Financial Regulation.

<sup>3</sup> Article 247(2) of the Financial Regulation.

As a general rule, the Member should provide the names and capacities of any relevant participants, a general description of the topics to be discussed, and where available the invitation containing the necessary details.

- 42 *The Court published a report in March 2018 regarding funds for Turkey, which stated, “from 2018 onwards, the Commission should better target funding for Turkey in areas where reforms are overdue and necessary for credible progress toward EU accession,” (Bettina Jakobsen, the Court official responsible for the report). What progress has been achieved?*

In line with best practice of Supreme Audit Institutions, the ECA carries out an annual follow-up exercise to assess the extent to which the auditee has addressed the findings and recommendations contained in the special reports. The follow-up work takes the form of “limited reviews” and normally takes place three years after publication of the special report.

In the particular case of special report 07/2018 referred to in this question, a follow-up exercise shall take place in 2021, and will cover this recommendation. The outcome of this follow-up exercise shall be communicated to the discharge authority as part of the annual reports concerning the financial year 2021.

- 43 *Has there been any progress made during the dialogue with the Commission regarding the methods for calculating errors and estimating error rates as well as the assessment of results achieved by the programmes financed by the EU budget?*

Progress has been made in the dialogue between the ECA and the EC. The dialogue leads to exploring different options in both direct management and shared management expenditure areas.

Further progress is expected in the short term in the area of Cohesion. The pilot towards the attestation approach continues, using the results of the work of others as the starting point for the ECA audit. A reduction in the number of re-performances and more reliance on the work of audit authorities will be possible when the quality of checks performed by the MS audit authorities and the EC improves.

- 44 *The Court highlights that analysing all short journeys would be an administrative burden. Why does the Court not limit a detailed analysis of the category ‘Other journeys undertaken in the performance of official duties’ in relation to the use of official cars only to journeys outside Luxembourg?*

For administrative efficiency purposes, the ECA decided to review the rules of the use of official vehicles. The Members and the Secretary-General may use the official vehicles for journeys other than those undertaken in the performance of official duties. In return, they contribute a fixed rate of 100 € per month for the private use of the vehicles, and are liable for certain costs and charges. These are expected to generate significant savings for the

Court compared to the previous situation. This new decision will apply from 1 January 2020.

*45 Has the internal auditor's report of mission expenses and the use of official cars been finalised? What are the conclusions of this report, and does the Court intend to take any further measures?*

The report was finalised in July 2019, and concluded that the vast majority of randomly selected operations examined by the Internal Auditor complied with the applicable rules and procedures. This audit showed that the case of the former Member investigated by OLAF was an isolated case.

The report also concluded that, prior to the 2017/18 reforms, the ECA's management and control systems were affected by certain shortcomings. However, the report concluded that the 2017/18 reforms have effectively corrected those control weaknesses, and that management and control procedures currently in place are overall reliable.

The Internal Auditor made recommendations to improve further the controls, like the introduction of a monthly flat rate amount for the private use of official vehicles.

*46 How much would you evaluate the cost of an audit preview?*

Our general communication approach aims at communicating clearly and transparently about our audit work throughout the audit process, from the planning phase, via the execution of the audit, to the publication of the results and the follow-up.

One element in this approach are audit previews. They accompany some of our announcements of upcoming audits. In these previews we present factual information about the audit subject, based on publically available information, as well as reasons for the selection of this topic. Furthermore, we offer the public a dedicated email address that can be used to share relevant information with the auditors.

Between September 2017 and August 2019, a total of 31 audit previews were published, of which 13 in 2019, 12 in 2018 and 6 in 2017.

As audit previews are mainly done reusing material that is already available in house, it costs only a limited time to produce each one. The estimate is circa three to three and a half working days per Audit Preview. The low production cost is also due to the fact that audit previews are only published in English and in an electronic format.

### **Communication**

*47 What was the Court's budget for communication activities in 2018?*

The communication activities are financed through budget line 274102. The activities include press conferences and stakeholder briefings, media monitoring and political

analysis services, audio-visual productions and services, social media and online campaigns, purchase of promotional material and participation in events and conferences.

Budget line	Appropriations	Commitments	Payments
274102 Expenditure on distribution and publicising of documents	275 000,00	205 162,17	137 672,31

*48 What progress has been made in Court’s outreach on social media? What are the most efficient social media channels?*

The list of followers has doubled, from 14 795 followers in May 2017 to 29 471 in August 2019. Facebook generates 88 % of the redirected traffic to the ECA website, which makes it the most effective social media channel to attract attention to the ECA’s activities. LinkedIn remains as the most popular social media channel, with 12 788 followers.

The 2018 Annual Activity Report (pp. 52-55) provides more detailed information on social media activities.

*49 How does the Court continue to strive for the best use of various communication channels to raise awareness about its work among citizens?*

The ECA aims at raising awareness among citizens via several channels:

- through their elected political representatives in the EP and national parliaments;
- through their national media both in Brussels and Member States; and
- directly via various social media channels, Open Days and public events, and work with think-tanks and academia.

During 2018, the highest ever number of reports were presented to the EP (43) and the Council (44). The ECA systematically promoted live presentations and recorded broadcasts whenever available.

The ECA significantly increased its media presence, both in terms of online press coverage and social media activity, recording a total of 17 110 online articles and recorded a total of 26 938 social media posts on the ECA and its work. On average, our 2018 reports were mentioned 314 times in the two weeks following their publication (our KPI measure), 65 % more than in 2017.

Efforts continued to improve the uptake of our reports by the media in the Member States, not least by targeting the specific financial media as well as broad and regional press. Hence, ECA reports were increasingly discussed in EU-focused outlets and national media.



Selecting audit subjects that are of a greater public interest, and the additional efforts undertaken by reporting Members and the communication team, helped to bring about this significant improvement over the last two years. In addition to press briefings for Brussels-based EU correspondents on our reports, we presented our reports in national capitals and raised media interest in Member States. Moreover, in a joint effort with Luxembourg-based institutions, we invited Brussels-based EU correspondents and journalists from Member States to visit the ECA, and talk to the ECA President and Members, learning about our values, ways of working and benefit to the citizens.

Furthermore, ECA's role and work was actively promoted by talking to main media alongside the President visits to different Member States, including promotion on our social media accounts - also in the languages of the visited countries.

Finally, the ECA participated in three Open Days of EU institutions, in Brussels, Strasbourg and Luxembourg. Tens of thousands of visitors came by our stands and several thousand took our audit quiz. For social media and stakeholder engagement, please see our replies to questions 48 and 54.

The 2018 Annual Activity Report (pp. 37-40 and 52-55) provides more information about our activities aimed at raising awareness of citizens about our work

*50 How does the online portal 'Public Audit in the European Union' work? What concrete results have been achieved in 2018 via this portal?*

The online portal Public Audit in the EU aims at providing a practical repository on that topic. It contains information on the mandate, status, organisation, work and output of the 29 SAIs of the EU and its Member States. The information in the portal was collected in close cooperation with the various SAIs. Since August 2019, the portal can be consulted in 23 official EU languages.

With it, the ECA intends to make a valuable contribution to ongoing research in the field of public audit.

*51 What progress has been made with the Court's strategy for communication, 'Get clear messages across to our audience'? What concrete results have been achieved in increasing its visibility and media impact?*

Communication is key in achieving our strategic goal of getting clear messages across to our audiences: the EU and Member States political authorities responsible for scrutinising and managing EU policies and programmes, our fellow supreme public auditors, businesses and industry organisations, academics and, last but not least, the public.

In 2018, there was a strong increase in media interest in the ECA work. Coverage was particularly high for our special reports (our "flagship" products in terms of media

coverage), which were increasingly discussed in both national media and EU-focused outlets.

Since mid-2017 our ECA Journal now centres on how we do our work and on the people who produce our reports in different areas, turning it into a window into our institution. Each issue now features a different overarching theme. In 2018, the ECA journal focused on themes including EU pre-accession aid, the financing and audit of the EP, EU financial and economic governance, and on our special reports, work programme, international cooperation and foresight activities to “future-proof” our institution, thus contributing to further dissemination of our work.

See also replies to questions 7, 46 and 48 above.

*52 What has been done to improve the communication with Union citizens?*

Please see reply to question 49.

*53 How do you reach out for specific target groups via social media channels? Based on available insights and/or social media analytics can you tell whether this target group has been reached? What difference do you observe in this regards among the different social media channels?*

During 2018, we specifically targeted potentially interested audiences by sponsoring our special report’s posts on social media. In doing so, we aim at reaching new audiences by selecting specialised groups based on each report’s subjects to which we promote our reports:

- Our Facebook target group includes citizens of both sexes from all EU citizens, all languages, above 18 years old, interested on EU institutions and keywords such as “climate change”, “refugee action” or “animal welfare”, depending on the subject at stake.
- On LinkedIn, we used the same geographical criteria, but targeted English only and segmented by professions as “audit officer”, “audit senior”, “political advisor”, etc.
- On Twitter, we also aimed at the 28 Member States, plus other EU institutions and SAls as “follower look-alikes”. All 10 available languages were targeted.

Sponsoring our special report’s posts on social media contributed greatly to reaching our target audiences. In terms of the impressions and reactions obtained, sponsored posts are up to a 600 times more effective than non-sponsored posts. As additional benefit, these campaigns also enlarged our followers list. In turn, this helps us to reach a bigger audience also for non-sponsored publications.

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

Through our in-house stakeholder management system (SMS) we notify our institutional stakeholders and media electronically, and in their own language, about any forthcoming publication of our reports. The notifications include our press releases, which present the findings and recommendations of our reports in a reader-friendly language, avoiding jargon to the extent possible.

The ECA continued working with non-institutional stakeholders, such as think tanks, NGOs, industry associations and academia, who may have an interest in our reports and may act as multipliers of our messages. During 2018 for example, the ECA organised a number of stakeholder briefings (alongside press briefings) on our special reports.

### **Harassment**

*55 What were the expenditures in 2018 for the management of court cases and Court sentences? What was the specific amount for harassment cases?*

There were no expenditures in 2018 related to the management of court cases or court sentences, including harassment cases.

*56 Where there any cases related to harassment reported, investigated and/or concluded in 2018?*

There was one formal complaint of harassment lodged in 2018. Facts of sexual harassment have been established. The whole procedure which ended up with preventive and disciplinary measures took five months to be completed since the date of filing of the complaint.

*57 What measures is your institution taking to raise awareness about the possibility to file harassment complaints?*

The ECA continuously raises awareness about harassment in the workplace and fosters a culture of zero tolerance towards harassment. There are different actions that are being carried out to raise awareness of harassment issues. These include trainings for newcomers, special trainings on ethics for the whole staff given by the ethical advisers, training on mediation, seminar of exchange of good practices with other institutions, information sessions given by contact persons at the Court and external experts, etc. Rules and practical information regarding harassment are regularly reminded to the staff and are published on both external and internal websites. The policy for maintaining a satisfactory working environment and combating psychological and sexual harassment applies to all people working on the Court's premises. Therefore, our service and works contracts includes provisions to discourage the harassment also from or against Contractors 'staff.

58 *Has there been any recent modifications to your anti-harassment rules, and could you specify to what extent?*

There was no modification to the anti-harassment rules since the adoption of Decision n°26-2017 in 2017. However, in June 2019, following the request from the EDPS, new internal Guidelines on the processing of personal data in the context of the informal resolution of harassment complaints were issued.

59 *Do you have a functioning team of the confidential-staff-councilors? Did they and the staff as a whole, receive any special training / seminars on the prevention of harassment?*

There is a specific training for confidential-staff-counsellors (contact persons), and also for staff. Prevention of harassment is part of the trainings on ethics that every staff must follow. There are also training sessions on prevention of gender-based discriminative behaviour.

### **Whistleblowing**

60 *Were there any whistleblower cases coming out of the Court and in such a case how did you follow-up on them?*

In 2018, the ECA did not receive any declaration for providing information about serious irregularities based on Article 22(a) of the Staff Regulations.

### **Transparency**

61 *What activities has the Court started and what policies implemented in the area of transparency in 2018?*

In July 2018, the ECA amended Decision No 61-207 on the missions of Members, to include the publication of their missions on a quarterly basis on the webpage. This information includes dates, location, purpose and total cost of the missions.

62 *Did the Ombudsman issue any recommendations to the Court in 2017 or 2018 and how did you follow-up on them?*

The Ombudsman did not make any recommendation to the ECA in 2017 and in 2018 in relation to an act of maladministration.

63 *How many call for tenders did your institution organise in 2018? Please indicate the value and the number of applicants for each tender.*

In 2018, 24 contracts with a value greater than 15 000 € were awarded following a call for tenders. The total value of those contracts was 14 969 098 €. Their value, type of the procedure followed and number of tenders received are detailed in Annex I.

64 *On 11 December 2018, the rules for data protection in the EU Institutions were brought in line with the rules set out in the GDPR. Did your institution need to proceed to any changes in the way it handles data to adapt to this new legislation? What were those changes?*

During 2019, an action plan was put in place to ensure full compliance with the GDPR for EU Institutions. A particular focus was put on the in-house Stakeholder Management System (SMS). All stakeholders, for which there was no documented consent for processing their personal data, were requested to opt-in and specify which subjects were of their interest, and for which products they wanted to subscribe. This action plan was successfully implemented by October 2019.

**Fraud & Corruption (including co-operation with OLAF)**

65 *How did you co-operate with OLAF in the spheres of prevention, investigation or corrective measures?*

The ECA and OLAF work in close cooperation to protect the EU's financial interests. In 2018, the ECA communicated nine cases of suspicion of fraud revealed in the context of its audits.

The ECA and OLAF concluded an administrative arrangement in May 2019, which aims at facilitating the practical working relationships, in particular regarding the transmission of suspected fraud cases, and at organizing actions of common interest such as training, workshops or exchanges of staff.

66 *What measures did you introduce following the case of irregular absence from work, missions and reimbursement claims of the former Belgian Member of the Court? How did the Court make sure such misuse of the position could not be repeated?*

67 Regarding the mission costs and representation expenses of the Members, the ECA has restructured the chain of delegation of powers of authorizing officers in order to reinforce the efficiency of the ex-ante and ex-posts controls. The authorising officer is now the Secretary-General. Rules have been clarified and improved. Moreover, as a transparency measure, information concerning missions is now published on the website of the ECA.

68 *Did the Court finish a thorough internal investigation (audit) on how other Court members reported on their missions and absence from work?*

The ECA's Internal Auditor carried out an audit on the use of resources in the context of the Members' missions, representation expenses and use of official vehicles. This report confirmed that the case of the Belgian member was an isolated case. Since there was no indication that there was a misuse of their position by other Members or former Members, there has been no other internal investigation following this audit report.

69 *What is the state of play regarding the judicial investigation in Luxembourg against a former Member of the Court? How much money did the Court recover from the former Member?*

OLAF has transmitted its report concerning the former Member to the judicial authorities of Luxembourg. The ECA replied positively to the request of the Prosecutor of the State of Luxembourg to waive the immunity of jurisdiction of the former Member. The ECA is fully cooperating with the national judicial authorities on this case.

The ECA has recovered 153 407.58 € from the former Member.

70 *Another Member of the Court is subject to an OLAF investigation according to media reports. What is the Court doing in order to tackle the reputational damage done to the institution? What measures does the Court take in order to restore the citizens' trust?*

As related in a recent press release, OLAF opened an investigation in 2016 concerning possible abuse of travel and subsistence expenses by a current Member of the ECA, at the time when he was a Member of the EP. OLAF concluded the case in September 2019, with a recommendation to the EP to recover 11 243€. No disciplinary or judicial recommendations have been made in regards, and no recommendation was addressed to the ECA.

71 *What is the state of play of the negotiations of an administrative agreement with OLAF?*

The administrative arrangement between the ECA and OLAF was signed on 22 May 2019 (see reply to question 65).

### **Conflict of Interests (Rules and control mechanism)**

72 *What measures / rules has (or had been introduced in 2018) the Court to prevent and fight conflict of interests? How did those rules change until today?*

In addition to the Code of Conduct for Members of the ECA, and the ECA's Ethical Guidelines, the ECA has the following set of rules, guidelines and actions to prevent and fight conflicts of interest:

- 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, the role of which is to consider any matter of an ethical nature it deems relevant to the standards and reputation of the ECA. It assesses

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 who intend to carry out an activity in the year after they leave.

- Staff Notice No 32/2016 which contains 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.
- Staff Notice No 090/18 on Notifications and authorisation requests relating to ethical issues.
- The Secretary-General sends an annual reminder to all staff to abide by requirements of the ethical guidelines.
- 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.
- The risk and the need to avoid any conflict of interests are duly reflected in the decision pertaining rules on the implementation of the budget and in the Charters of authorizing officers, accountant officer and internal auditor, which were adopted by the ECA following the entry into force of the new Financial Regulation.
- Expertise and awareness: Workshops and seminar for ethical advisers, managers and other 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.

*73 Do you have a functioning 'Revolving doors Policy'? How do you see a practice of active politicians or even MEPs who voted on the EU Budget being appointed as new Court members without any cooling-off period?*

Rules regarding "revolving doors" are laid down in the Code of Conduct of the Members, and in the Staff Regulations, and are fully applied.

As regards potential conflicts of interests of candidates to become Members, it is recalled that the assessment of the candidates is the responsibility of the Member States, the Council, and the EP.

**Activities to lower the Environmental Footprint (EMAS rules, energy, water, paper consumption, CO2 offsetting)**

74 Please present your activities and achieved results in this field.

In accordance with environmental policy guidelines, the ECA has set up a comprehensive environmental programme to address various themes identified in its environmental analysis and to reduce its environmental impact. The 2nd cycle of this programme set a number of environmental measures for the period 2017-2019. The results are as follows:

1. Results 2018: Energy

ENERGY	CONSUMPTION	2018	Change 2016 - 2018	Change 2014 - 2018
Gross energy	Total energy consumption (MWh)	7 781,5	-2,5%	-11,5%
	Renewable energy consumption (MWh)	7 765,5	-2,6%	-11,6%
	%age renewable energy	99,79%		
Gross energy by activity	Total electricity (MWh)	4 357,3	-2,9%	-13,3%
	Total heating (MWh)	3 408,2	-2,2%	-9,4%
	Standardized heating (MWh)	3 885,4	10,4%	-11,0%
	Fuel oil (MWh)	16,0	30,4%	57,6%
Relative energy (per FTE)	Electricity (MWh/FTE)	4,7	-3,3%	-13,6%
	Heating/cooling (MWh/FTE)	3,7	-2,5%	-9,8%
	Standardized heating (MWh/FTE)	4,2	10,0%	-11,4%
	Fuel oil (m3/FTE)	1,6	30,0%	56,9%

Baseline: 2014, and baseline for 2nd EMAS cycle: 2016

Activities in 2018 for the reduction of energy consumption: Works were done to add isolation to heating installations in the K3 building, allowing for energy savings. As results, the ECA obtained a Certificate of Energy Performance for K3 building.

This was supplemented by a series of actions:

- Follow-up of the results of the building energy performance controls, in order to constantly improve energy performance of buildings;
- Awareness campaign to improve staff behaviour regarding switching off the lights, by means of ECO-Posits;
- Constant optimization of the lighting system settings;
- Regular checks of heating levels to avoid overconsumption;
- Old laptops progressively replaced by more efficient tablets and laptops;
- Non-functioning bulbs replaced with energy efficient LED bulbs whenever possible.



## 2. Results 2018: Water

WATER	CONSUMPTION	2018	Change 2016 - 2018	Change 2014 - 2018
Gross annual	Total consumption (m3)	12502,0	-21,1%	0,5%
Relative annual	Total consumption (m3/FTE)	13,5	-21,4%	0,0%
	Total consumption (m3/FTE/day)	0,1	-20,8%	0,9%

Baseline: 2014, and baseline for 2nd EMAS cycle: 2016

Activities in 2018 for the reduction of water consumption:

- Water pressure from individual taps has been reduced in all ECA buildings;
- Launch of awareness-raising campaigns among staff for the rational use of water;
- Approval of water-efficient solutions, e.g. by introducing leak detection systems and automatic tap sensors in the refurbishment works for K2 building.

## 3. Results 2018: Paper consumption

PAPER	CONSUMPTION	2018	Change 2016 - 2018	Change 2014 - 2018
Gross annual	Pages printed/copied (office work)	7675136,0	-11,6%	-28,2%
	Publications	402076,0	-82,8%	-93,0%
	Total pages (office work + publications)	8077212,0	-26,7%	-50,8%
	Pages/FTE printed/copied (office work)	8280,0	-11,9%	-28,5%
Relative annual	Total pages (office work+ publications) /FTE	8713,8	-27,0%	-51,0%
	Total pages (office work+ publications) /FTE/days	36,0	-26,4%	-50,6%
	Pages printed/copied (office work)	7675136,0	-11,6%	-28,2%
	Publications	402076,0	-82,8%	-93,0%

Baseline: 2014, and baseline for 2nd EMAS cycle: 2016

Activities in 2018 for the reduction of paper consumption:

- Introduction of multi-functional devices with printing/scanning/copying solutions based on follow-me printing technology;
- Online helpdesk solution to automate communication and eliminate paper workflow to resolve different administrative issues in HR, IT and Building Facilities;
- Detailed inventory of paper stocks;
- Awareness campaign among staff with ECO-Posits on printing habits.

#### 4. Results 2018: GHG emissions and carbon offsetting.

GHG EMISSIONS		2018	Change 2016 - 2018	Change 2014 - 2018
Gross annual emissions	Total emissions (tCO <sub>2</sub> e)	10178,0	-13,6%	-14,9%
	Total emissions of auditors traveling (tCO <sub>2</sub> e)	1030,0	-19,0%	-20,6%
	Total emissions of ECA car fleet (tCO <sub>2</sub> e)	142	-24,1%	-26,4%
Relative annual emissions	Total emissions (tCO <sub>2</sub> e) / FTE	11,0	-13,9%	-15,3%
	Total emissions of auditors traveling (tCO <sub>2</sub> e) / FTE	1,1	-19,2%	-20,9%
	Total emissions of ECA car fleet (tCO <sub>2</sub> e) / car	4,3	-26,4%	-26,4%

Baseline: 2014, and baseline for 2nd EMAS cycle: 2016

ECA established an initial diagnosis of the GHG emissions generated by its activities<sup>4</sup>, with the aim to reduce them. Based on the results of the initial diagnosis, a series of concrete measures were included in the 2017-2019 EMAS Action Plan. The 2018 emissions reduction measures were:

- The improvement of the teleworking measures for staff, which has a positive effect on the reduction of emissions (see reply 12.b);
- Continued encouragement to use VC facilities, thus reducing travel – there was an increase of 48% in the use of VC facilities in comparison to the previous year.
- Facilitate the use of shuttle buses to reduce private car use for missions to Brussels, and promotion of car sharing. The increase of shuttle bus use was up 357%, while there was a decrease in the use of private cars by 26% compared to 2016.

#### **Cybersecurity**

75 *What steps have you taken towards improving cybersecurity of the Court? Were any of these steps taken coordinated with any other EU institution or the Court has started taking such steps on its own initiative?*

Following the Wannacry and NotPetya attacks in 2017, the ECA reassessed its IT security risks towards the cyber-threats landscape. This assessment resulted in the adoption of a three-year Cyber-security Action Plan in mid-2018, with a number of actions to mitigate the risks identified. Some of the envisaged measures are:

- improved process for more effective continuous vulnerability assessment and remediation;
- enhanced security monitoring;

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<sup>4</sup> Since 2014, the ECA's carbon footprint balance is published annually.

- improved protection against malware, both at network perimeter and endpoint level;
- security awareness raising;
- secure mobile access to cloud services;
- hardening of IT assets configuration;
- review of the information security governance

Most of the actions are own initiative, though the ECA uses as well the cyber-security services provided by the CERT-EU to implement some of the controls foreseen in the plan. Moreover, some of the security awareness initiatives are agreed and coordinated at inter-institutional level within the framework of the IT security group of the Comité Interinstitutionnelle d'Informatique.

## Annex I

Contractor	Type of contract	Subject of contract	Procedure followed	Amount in €	Num. of applicants
<b>LOW VALUE</b>					
Keytechnik bvba	Suply contract (651)	Fourniture d'une armoire à clef	Negotiated procedure for low value contracts. Art. 14.2 of Annex 1 to FR*	18 777,00 €	3 (three)
Leon Kremer S.à.r.l.	Service contract (638)	Maintenance des nacelles, points d'ancrage et lignes de vie	Negotiated procedure for low value contracts. Art. 14.2 of Annex 1 to FR*	60 000,00 €	1 (one)
PRS PRIME RE SOLUTIONS AG	Service contract (639)	Expert study on the EIOPA's stress test exercises in the insurance market	Negotiated procedure for low value contracts. Art. 14.2 of Annex 1 to FR*	34 000,00 €	3 (three)
Ets. Osch & Fils S.à.r.l.	Supply contract (653)	Fourniture et installation de mats porte-drapeau et drapeaux	Negotiated procedure for middle value contracts. Art. 14.3 of Annex 1 to FR*	40 086,75 €	2 (two)
Blumenthal S.à.r.l.	Service contract (657)	Entretien et remise en état d'espaces verts de la Cour des comptes européenne	Negotiated procedure for middle value contracts. Art. 14.3 of Annex 1 to FR*	56 700,00 €	3 (three)
Faktiva Limited UK	Service contract (670)	Subscription to Faktiva 1.9.2018-31.8.2019	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	20 496,00 €	1 (one)
Politico Sprl	Service contract (659)	Subscription to Politico Pro Services 1.6.2018-31.05.2019	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	17 340,00 €	1 (one)
Informa UK Limited (IIR LTD)	Service contract (613)	Subscription to Agra Site Licence Bundle 14.1 2018-13.1.2019	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	28 622,50 €	1 (one)
Agence Europe S.A.	Service contract (614)	Subscription to Agence Europe for 2018	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	29 900,00 €	1 (one)
EBSCO Information Services B.V.	Service contract (646)	Subscription of the Ebsco Services Business Complete Package - Renewal for last 3 months of 2018 and year 2019	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	28 605,53 €	1 (one)

Lex Thielen & Associés	Service contract (672)	Contrat d'assistance juridique dans le cadre de la garantie décennale du bâtiment K3	Negotiated procedure without publication of the contract notice. Art. 11.1. h) of Annex 1 to FR	17 000,00 €	1 (one)
EBSCO Information Services BV	Service contract	Supply of different subscriptions - AMI 625 - ITT 3	Procedure involving a call for expression of interest . Art. 13 of Annex 1 to FR*	30 394,00 €	4 (four)
Galda & Leuchter Scientific Booksellers GmbH	Service contract	Supply of different subscriptions - AMI 625 - ITT 3	Procedure involving a call for expression of interest . Art. 13 of Annex 1 to FR*	8 235,00 €	4 (four)
LM Tietopalvelut Oy	Service contract	Supply of different subscriptions - AMI 625 - ITT 1, 2, 3 and 4	Procedure involving a call for expression of interest . Art. 13 of Annex 1 to FR*	31 188,74 €	4 (four)
				<b>421 345,52 €</b>	
<b>MIDDLE VALUE</b>					
Vitalux Bradke S.à.r.l.	Supply contract (642)	Remplacement de vitrages de façade au bâtiment K3	Negotiated procedure for middle value contracts. Art. 14.3 of Annex 1 to FR*	88 000,00 €	3 (three)
Charpente Belhomme S.à.r.l.	Works contract (647)	Travaux de refection de la terrasse au 6eme étage du batiment K3de la terrasse au 6ème étage du K3	Negotiated procedure for middle value contracts. Art. 14.3 of Annex 1 to FR*	183 885,85 €	1 (one)
Blumenthal S.à.r.l.	Service framework contract (650)	Fournitures et entretien de plantes d'intérieur de la Cour des comptes européenne	Negotiated procedure for middle value contractsArt. 14.3 of Annex 1 to FR*	69 286,00 €	3 (three)
Valentine Aroldi	Service concession contract (664)	Contrat de concession d'exploitation d'un cabinet de kinésithérapie	Negotiated procedure for middle value contracts. Art. 14.3 of Annex 1 to FR*	120 000,00 €	1 (one)
Nexyan SPRL	Service contract (635)	Study on the European Union's liabilities for pension and other employee benefits - actuarial services	Open procedure. Art. 164 of FR*	135 000,00 €	5 (five)
				<b>596 171,85 €</b>	

VALUE ABOVE DIRECTIVE					
Aubay SA	Service contract (631)	General Helpdesk service	Open procedure. Art. 164 of FR*	5 794 170,00 €	2 (two)
ONET Luxembourg SARL	Service contract (632)	Maintenance and cleaning of the buildings of the European Court of Auditors	Open procedure. Art. 164 of FR*	2 566 625,12 €	4 (four)
Vincotte Luxembourg ASBL	Service contract (665)	Technical and electrical installation inspections	Open procedure. Art. 164 of FR*	282 131,00 €	1 (one)
Office Partner SA	Framework works contract (641)	Development, renovation and repair work on the buildings of the European Court of Auditors	Open procedure. Art. 164 of FR*	5 158 299,23 €	3 (three)
Financial Times Ltd	Service contract (678)	2 Years Subscription to Financial Times (Digital and Print) 2018 and 2019	Negotiated procedure without publication of the contract notice. Art. 11.1 b) of Annex 1 to FR*	150 355,00 €	1 (one)
				13 951 580,35 €	
			<b>TOTAL VALUE</b>	<b>14 969 097,72 €</b>	