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From:	Budget Committee
To:	Permanent Representatives Committee/Council
Subject:	Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2018 – <i>Adoption</i>

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COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director-General
of the Euratom Supply Agency
in respect of the implementation of the budget
of the Euratom Supply Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2008/114/EC, Euratom of 12 February 2008 establishing Statutes for the Euratom Supply Agency¹, and in particular Article 8(9) of the Annex thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure account for the financial year 2018 and the balance sheet as at 31 December 2018 of the Euratom Supply Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 41, 15.2.2008, p. 15.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 167.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director-General of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

**COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EURATOM SUPPLY AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council calls on the Agency to improve its financial programming and monitoring of budget implementation in order to reduce the unjustified level of commitments carried over and the amounts cancelled at the end of the following year to the strict minimum, in line with the budgetary principle of annuality.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Centre for the Development of Vocational Training
in respect of the implementation of the budget
of the European Centre for the Development of Vocational Training
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/128 of the European Parliament and of the Council of 16 January 2019 establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No 337/75¹, and in particular Article 15(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Centre for the Development of Vocational Training, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2018, accompanied by the Centre's replies to the Court's observations³,

¹ OJ L 30, 31.1.2019, p. 90.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 44.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Centre in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the shortcomings found by the Court in two recruitment procedures, especially the potential conflict of interest of the selection board members, the scoring method and prolongation of the reserve lists, and calls on the Centre to take appropriate actions in order to ensure the legality and regularity of the recruitment process and equal treatment of candidates.

The Council also takes note of the Court's observation that the Centre has not had an internal legal officer since November 2017 and that handling of all legal issues has therefore been outsourced. Given the high number of legal cases the Centre is confronted with and the risk to the consistent treatment of cases in view of the principle of sound financial management, the Council calls on the Centre to reassess the way it deals with legal cases.

The Council regrets the Court's finding of shortcomings in the Centre's procurement procedure for its travel agency services and encourages the Centre to further improve its public procurement procedures, ensuring full compliance with the applicable rules and best value for money.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Foundation for the Improvement of Living and Working Conditions
in respect of the implementation of the budget
of the European Foundation for the Improvement of Living and Working Conditions
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regards to Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the Improvement of Living and Working Conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75¹, and in particular Article 16(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Foundation for the Improvement of Living and Working Conditions, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2018, accompanied by the Foundation's replies to the Court's observations³,

¹ OJ L 30, 31.1.2019, p. 74.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 94.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIVING AND WORKING
CONDITIONS

The Council welcomes the Court's opinion that, in all material respects, the Foundation's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Foundation's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council notes the Court's observation that the Foundation's *ex ante* controls of prices and uplifts related to the use of an IT framework have not been effective. The Council calls on the Foundation to improve its *ex ante* controls related to framework contracts in order to ensure a proper competitive procedure for all procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Environment Agency
in respect of the implementation of the budget
of the European Environment Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (codified version)¹, and in particular Article 13(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Environment Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 126, 21.5.2009, p. 13.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 102.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN ENVIRONMENT AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, whilst taking note of the Agency's reply and explanation of the contractual arrangement in cascade, which mitigates the risk of underperformance, nevertheless calls on the Agency to award contracts under technical specifications that ensure a satisfactory performance of the contract.

The Council welcomes the steps taken by the Agency to ensure compliance with public procurement provisions when increasing the budget ceiling for its framework contract for Copernicus local land monitoring services. It reiterates its call to ensure full compliance with the applicable procurement procedures, including the appropriate assessment of bidders and the applicable formal and transparency requirements.

The Council welcomes the review and updating of the Agency's guidelines on the identification and management of sensitive functions and calls on the Agency to make the updated guidelines available so as to allow the Court to verify the policy in place and its implementation.

The Council takes note of the Agency's disagreement with the Court's finding in 2017 on the accounting officer's independence and calls on the Agency to clarify the situation.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Training Foundation
in respect of the implementation of the budget
of the European Training Foundation
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1339/2008 of the European Parliament and of the Council of 16 December 2008 establishing a European Training Foundation (recast)¹, and in particular Article 17(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Training Foundation, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2018, accompanied by the Foundation's replies to the Court's observations³,

¹ OJ L 354, 31.12.2008, p. 82.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 164.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

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

The Council welcomes the Court's opinion that, in all material respects, the Foundation's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Foundation's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council encourages the Foundation to further improve its public procurement procedures to ensure full compliance with the applicable rules and best value for money procurements, *inter alia* by using award criteria that focus on competitive price elements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Medicines Agency
in respect of the implementation of the budget
of the European Medicines Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency¹, and in particular Article 68(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Medicines Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 136, 30.4.2004, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 132.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN MEDICINES AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council encourages the Agency to continue improving its financial programming and monitoring of the budget implementation, taking into account the decision on the Agency's relocation.

The Council urges the Agency to continue the implementation of mitigating measures to address the loss of staff following the Agency's relocation in close collaboration with the host Member State.

While welcoming some of the Agency's efforts, the Council urges the Agency to continue implementing the Court's recommendations from previous years to remedy the weaknesses found in the Agency's information, communication and technology management control. In particular, the Council encourages the Agency to continue improving the development of a structured and systematic policy governing the use of consultants, as well as to speed up the completion of ongoing IT projects.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Monitoring Centre for Drugs and Drug Addiction
in respect of the implementation of the budget
of the European Monitoring Centre for Drugs and Drug Addiction
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)¹, and in particular Article 15(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Monitoring Centre for Drugs and Drug Addiction, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2018, accompanied by the Centre's replies to the Court's observations³,

¹ OJ L 376, 27.12.2006, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 137.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comment by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Centre's reply to the Court's finding regarding the remuneration and compliance of the working conditions for temporary workers with European and national labour law. The Council calls on the Centre to ensure that it complies directly with the applicable legal provisions and that it avoids any litigation and reputational risks stemming from unequal treatment of interim workers.

The Council, having noted the Centre's reply, calls on the Centre to take all necessary steps swiftly in order to adapt Norway's contribution to its budget under the EU-Norway agreement.

The Council, whilst acknowledging the Centre's reply, invites the Centre to continue taking appropriate actions in order to ensure the effectiveness and full compliance with applicable rules in its public procurement procedures.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Agency for Safety and Health at Work
in respect of the implementation of the budget
of the European Agency for Safety and Health at Work
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/126 of the European Parliament and of the COUNCIL of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94¹, and in particular Article 16(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Agency for Safety and Health at Work, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 30, 31.1.2019, p. 58.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 90.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets that the level of commitment appropriations carried over to 2019 was again high, for the third year in a row. The Council urges the Agency to follow the recommendation of the Court and to analyse, together with the Commission, the reasons for the constant recurrence of excessive carry-overs and improve budget planning accordingly, in line with the budgetary principle of annuality.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Union Agency for Fundamental Rights
in respect of the implementation of the budget
of the European Union Agency for Fundamental Rights
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights¹, and in particular Article 21(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Union Agency for Fundamental Rights, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 53, 22.2.2007, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 154.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council takes note of the Agency's reply and remedial action taken as regards its tool used for monitoring budget consumption and urges the Agency to improve its budget implementation and carefully monitor consumption in order to avoid unplanned carry-overs.

The Council calls on the Agency to continue following up the corrective actions on the Court's recommendations for the year 2017 as regards procurement of studies and e-procurement.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Translation Centre for the Bodies of the European Union
in respect of the implementation of the budget
of the Translation Centre for the Bodies of the European Union
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union¹, and in particular Article 14(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the Translation Centre for the Bodies of the European Union, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2018, accompanied by the Centre's replies to the Court's comments³,

¹ OJ L 314, 7.12.1994, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 186.

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2018 do not call for any comments,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Maritime Safety Agency
in respect of the implementation of the budget
of the European Maritime Safety Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency¹, and in particular Article 19(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Maritime Safety Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 208, 5.8.2002, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 72.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN MARITIME SAFETY AGENCY

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets that for the second year in a row the Court observed that the Agency has not checked prices and uplifts charged with the suppliers' quotes and invoices issued to the framework contractor. While taking note of the explanation provided, the Council calls on the Agency to improve its internal control procedures and mechanisms in order to ensure proper checking of future similar financial transactions.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Aviation Safety Agency
in respect of the implementation of the budget
of the European Aviation Safety Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91¹, and in particular Article 121(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 212, 22.8.2018, p. 1

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Aviation Safety Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

¹ OJ C 417, 11.12.2019, p. 48.

**COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN AVIATION SAFETY AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's findings on shortcomings in the Agency's procurement procedures. In one case, the Agency had chosen in procurement of data analytic service to use a framework contract with a single operator even though the circumstances to do this were not met according to the rules of application of the Financial Regulation. In another case, the Agency had awarded contracts solely on the basis of quality without evaluating the price. The Council calls on the Agency to improve its public procurement procedures to ensure full compliance with the applicable rules and best value for money.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Food Safety Authority
in respect of the implementation of the budget
of the European Food Safety Authority
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and in particular Article 44(4) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Food Safety Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2018, accompanied by the Authority's replies to the Court's observations³,

¹ OJ L 31, 1.2.2002, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 124.

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2018 do not call for any comments,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Administrative Director
of the European Union's Judicial Cooperation Unit
in respect of the implementation of the budget
of the European Union's Judicial Cooperation Unit
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA¹, and in particular Article 63(11) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet at 31 December 2018 of the European Union's Judicial Cooperation Unit, hereinafter referred to as "Eurojust", as well as the Court of Auditors' report on the annual accounts of Eurojust for the financial year 2018, accompanied by Eurojust's replies to the Court's observations³,

¹ OJ L 295, 21.11.2018, p. 138.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 146.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of Eurojust is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Administrative Director of Eurojust in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN UNION'S JUDICIAL COOPERATION UNIT (EUROJUST)

The Council welcomes the Court's opinion that, in all material respects, Eurojust's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of Eurojust's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, whilst taking note of Eurojust's reply, calls on Eurojust to further improve its procurement procedures, in particular to adequately substantiate the use of simplified procedures in specific circumstances, in order to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Cybersecurity
in respect of the implementation of the budget
of the European Union Agency for Cybersecurity
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EC) No 526/2013¹, and in particular Article 31(12) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Union Agency for Cybersecurity, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 151, 7.6.2019, p. 15.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 76.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN UNION AGENCY FOR CYBERSECURITY

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the Court's finding that the Agency is not fully complying with certain Internal Control Standards and urges the Agency to take the appropriate measures to bring its controls in compliance with these standards in particular with regard to the identification of sensitive functions.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Centre for Disease Prevention and Control
in respect of the implementation of the budget
of the European Centre for Disease Prevention and Control
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control¹, and in particular Article 23(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Centre for Disease Prevention and Control, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2018, accompanied by the Centre's replies to the Court's observations³,

¹ OJ L 142, 30.4.2004, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 121.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL**

The Council welcomes the Court's opinion that, in all material respects, the Centre's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Centre's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, taking note of the Centre's reply, calls on the Centre to ensure that it has effective *ex ante* controls of payments in place under its framework contracts and welcomes the steps taken by the Centre to improve its *ex ante* controls.

The Council encourages the Centre to improve its procurement procedures, ensuring full compliance with the applicable rules and best value for money, if necessary in coordination with the Commission.

The Council supports the Court's findings concerning effective control systems, in particular with respect to large and complex meetings and calls on the Centre to strengthen its control system accordingly.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Railways
in respect of the implementation of the budget
of the European Union Agency for Railways
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004¹, and in particular Article 65(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Railway Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 138, 26.5.2016, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 80.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

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

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the Court's finding that the Agency had artificially split a contract related to the organisation of a Safety Conference and that the contract and all related payments were thus irregular. The Council calls on the Agency to ensure that the procurement procedures are chosen and consequent payments are carried out in full compliance with the Financial Regulation.

The Council notes the Court's observation that the Agency's *ex ante* controls of prices and uplifts related to the use of an IT framework have not been effective. The Council calls on the Agency to improve its *ex ante* controls related to framework contracts in order to ensure a proper competitive procedure for all procurements.

In view of the Agency's new Regulation which allows the Agency to collect fees and charges for certification tasks, the Council encourages the Agency to introduce effective controls to ensure correct application of fees and charges to SMEs (small and medium-sized enterprises). In addition, the Agency is invited to monitor closely costs related to fees and charges in order to prevent any budgetary deficit at year-end.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Border and Coast Guard Agency
in respect of the implementation of the budget
of the European Border and Coast Guard Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624¹, and in particular Article 116(11) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet at 31 December 2018 of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 295, 14.11.2019, p. 1..

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 158.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN BORDER AND COAST GUARD AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In view of the substantially extended mandate of the Agency and the challenges it faces in terms of increased staff and funding, the Council expresses serious concern with regard to the continuing absence of a simplified and transparent financial scheme for reimbursement of equipment-related expenditure. Therefore, the Council urges the Agency to work further on the development of such a scheme, and to step up ex-ante and ex-post verifications in order to ensure that only costs substantiated by cooperating countries with sufficient supporting documentation, are reimbursed.

The Council encourages the Agency to further improve its public procurement procedures, in particular to make more realistic estimates of its needs in the tender documents, in order to ensure full compliance with the applicable rules and best value for money procurements.

While acknowledging the multiannual nature of operational expenditure, the Council regrets the high level of carry-overs and cancellations of appropriations. In this regards, the Council encourages the Agency to reinforce budgetary management and strive for more precise cost estimates and budget forecasts, in order to ensure strict compliance with the budgetary principles of sound financial management and annuality.

Furthermore, the Council calls on the Agency to take immediate actions, in line with the Court's recommendations, to strengthen internal controls by adopting a sensitive post policy, as well as to make further sustained efforts in the area of recruitment in order to reach the staff level authorised in the Agency's establishment plan.

The Council fully endorses the Court's recommendations and calls on the Agency to ensure their quick follow-up with comprehensive corrective actions.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Law Enforcement Training
in respect of the implementation of the budget
of the European Union Agency for Law Enforcement Training
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Article 20(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Police College, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 319, 4.12.2015, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 109.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, whilst taking note of the Agency's reply, calls on the Agency to further improve its procurement procedures, in particular to request and analyse the reasons for potentially abnormally low tenders, in order to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European GNSS Agency
in respect of the implementation of the budget
of the European GNSS Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council¹, and in particular Article 14(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 276, 20.10.2010, p. 11.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European GNSS Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

¹ OJ C 417, 11.12.2019, p. 98.

**COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN GNSS AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council notes the potential budgetary risk resulting from the ongoing Court proceedings related to procurement procedures conducted by the Agency and calls on the Agency to carefully monitor the situation and inform the budgetary authority in a timely manner should there be adverse effects on the budget.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Fisheries Control Agency
in respect of the implementation of the budget
of the European Fisheries Control Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (codified)¹, and in particular Article 45(11) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Fisheries Control Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 83, 25.3.2019, p. 18.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 106.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COMMENT ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN FISHERIES CONTROL AGENCY

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council welcomes the improvements made to the new framework contract for IT maintenance and consultancy that the Agency has joined. Nevertheless, it calls on the Agency to ensure that it continues to have effective *ex ante* controls of payments in place to ensure that a competitive procedure is in place for all its related procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Chemicals Agency
in respect of the implementation of the budget
of the European Chemicals Agency
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC¹, and in particular Article 97(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 396, 30.12.2006, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Chemicals Agency, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

¹ OJ C 417, 11.12.2019, p. 57.

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN CHEMICALS AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While welcoming the progress made by the Agency through *ex post* verifications to check the claimed size of smaller companies, the Council urges the Agency to continue addressing the considerable verification backlog, as well as improving the process to recover the overdue administrative charges from companies who have declared the wrong size.

While acknowledging that the accuracy of the fee calculation is based on the verification of the declared volumes of chemicals, which is under the sole responsibility of Member States' national enforcement authorities, the Council encourages the Agency to continue its efforts to ensure the collection of the appropriate level of fee income in close cooperation with the Member States' authorities.

The Council is concerned about the risk of a mismatch between the Agency's expenditure and revenues that could arise from the expected drop in revenues from 2019 onwards. It invites the Agency to work with the Commission to explore the possibilities for a new financing model that would also reduce administrative burden and the lack of transparency of multiple financing strands.

The Council regrets the Court's finding that the Agency is not fully complying with certain internal control standards and urges the Agency to take the appropriate measures to bring its controls in compliance with these standards in particular with regard to the identification of sensitive functions.

The Council, whilst taking note of the Agency's reply and actions taken, encourages the Agency to further improve its public procurement procedures, including appropriate establishment of tender specifications, to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Institute for Gender Equality
in respect of the implementation of the budget
of the European Institute for Gender Equality
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality¹, and in particular Article 15(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Institute for Gender Equality, hereinafter referred to as the "Institute", as well as the Court of Auditors' report on the annual accounts of the Institute for the financial year 2018, accompanied by the Institute's replies to the Court's observations³,

¹ OJ L 403, 30.12.2006, p. 9.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 128.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Institute in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN INSTITUTE FOR GENDER EQUALITY**

The Council welcomes the Court's opinion that, in all material respects, the Institute's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council encourages the Institute to improve its public procurement procedures, ensuring full compliance with the applicable rules and best value for money procurements in order to avoid future court cases, and welcomes the steps already taken by the Institute.

The Council, taking note of the Institute's reply, calls on the Institute to ensure that its working conditions for temporary workers comply with the applicable European and national labour law.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Union Agency for Law Enforcement Cooperation
in respect of the implementation of the budget
of the European Union Agency for Law Enforcement Cooperation
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA¹, and in particular Article 60(10) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Police Office, hereinafter referred to as "Europol", as well as the Court of Auditors' report on the annual accounts of Europol for the financial year 2018, accompanied by Europol's replies to the Court's observations³,

¹ OJ L 135, 24.5.2016, p. 53.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 150.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

Whereas, following the above examination, the implementation of the budget of Europol is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of Europol in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

COMMENT ACCOMPANYING

**THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL)**

The Council welcomes the Court's opinion that, in all material respects, Europol's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of Europol's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council, whilst taking note of Europol's reply, calls on Europol to further improve its procurement procedures, in particular to strengthen contract management and *ex ante* controls, in order to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Agency for the Cooperation of Energy Regulators
in respect of the implementation of the budget
of the Agency for the Cooperation of Energy Regulators
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast)¹, and in particular Article 35(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the Agency for the Cooperation of Energy Regulators, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations³,

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 36.

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2018 do not call for any comments,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Agency for Support for Body of European Regulators for Electronic Communications
in respect of the implementation of the budget
of the Agency for Support for Body of European Regulators for Electronic Communications
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1971¹ of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009, and in particular Article 28(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 321, 17.12.2018, p. 1.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the Office of the Body of European Regulators for Electronic Communications, hereinafter referred to as the "Office", as well as the Court of Auditors' report on the annual accounts of the Office for the financial year 2018, accompanied by the Office's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Office is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Office in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

¹ OJ C 417, 11.12.2019, p. 40.

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
OFFICE OF THE BODY OF EUROPEAN REGULATORS FOR ELECTRONIC
COMMUNICATIONS**

The Council welcomes the Court's opinion that, in all material respects, the Office's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Office's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council encourages the Office to pursue endeavours to reduce its dependency on the use of interim workers, as well as to ensure that the working conditions of interim workers are aligned with EU social and employment rules.

The Council encourages the Office to further improve its public procurement procedures, including appropriate establishment of tender specifications, to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Banking Authority
in respect of the implementation of the budget
of the European Banking Authority
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC¹, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Banking Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2018, accompanied by the Authority's replies to the Court's observations³,

¹ OJ L 331, 15.12.2010, p. 12.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 52.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN BANKING AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council calls on the Authority to continue improving its financial programming and monitoring of the budget implementation, taking into account the decision on the Authority's relocation.

The Council encourages the Authority to further improve its public procurement procedures, including appropriate establishment of tender specifications, to ensure full compliance with the applicable rules and best value for money procurements.

The Council encourages the Authority to pursue efforts to reduce its dependency on the extensive use of interim workers, as well as to ensure that the working conditions of interim workers are aligned with those of the Authority's own staff.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Securities and Markets Authority
in respect of the implementation of the budget
of the European Securities and Markets Authority
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC¹, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Securities and Markets Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2018, accompanied by the Authority's replies to the Court's observations³,

¹ OJ L 331, 15.12.2010, p. 84.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 85.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN SECURITIES AND MARKETS AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

While acknowledging that the accuracy of the fee calculation is based on the revenues declared by the credit rating agencies, the Council encourages the Agency to continue its efforts to ensure the collection of the appropriate level of fee income.

The Council is concerned about the mismatch between the Authority's expenditure and revenues. While welcoming some progress already made by the Authority to address cross-financing of its activities, the Council encourages the Authority to continue its efforts to adjust the collection of fee income to the corresponding level of expenditure.

The Council expects the Office to ensure that the working conditions of interim workers are aligned with EU social and employment rules.

The Council encourages the Authority to further improve its public procurement procedures, including appropriate establishment of tender specifications, to ensure full compliance with the applicable rules and best value for money procurements.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Insurance and Occupational Pensions Authority
in respect of the implementation of the budget
of the European Insurance and Occupational Pensions Authority
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC¹, and in particular Article 64(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 331, 15.12.2010, p. 48.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Insurance and Occupational Pensions Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2018, accompanied by the Authority's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

¹ OJ C 417, 11.12.2019, p. 62.

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN INSURANCE AND OCCUPATIONAL PENSIONS AUTHORITY**

The Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Authority's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the Court's findings on the working conditions of temporary agency workers employed by the Authority, which were not explicitly specified in the contracts with the temporary work agencies. The Council agrees with the Court that this carries litigation and reputational risks and encourages the Authority to follow the Court's recommendation and to make a full analysis of the working conditions of its interim workers and make sure they are clearly described in the contracts.

The Council also encourages the Authority to further improve its procurement procedures in order to ensure the effectiveness of the process, focusing on competitive price elements in order to make sure that the procurement procedure leads to the award of the best value for money contract.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Asylum Support Office
in respect of the implementation of the budget
of the European Asylum Support Office
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office¹, and in particular Article 36(9) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Asylum Support Office, hereinafter referred to as the "Office", as well as the Court of Auditors' report on the annual accounts of the Office for the financial year 2018, accompanied by the Office's replies to the Court's observations³,

¹ OJ L 132, 29.5.2010, p. 11.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 113.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Office is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Office in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN ASYLUM SUPPORT OFFICE**

The Council welcomes the Court's opinion that, in all material respects, the Office's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Office's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council notes with concern the Court's qualified opinion on the legality and regularity of the payments underlying the accounts for the year ended 31 December 2018.

While taking into account that the Court's qualified opinion is based on events and conditions in 2016 and 2017, which, *per se*, were prone to impact the conduct of the Office's business in terms of compliance with the applicable legal framework, the Council regrets that the payments underlying the accounts are materially affected by error due to recurrent instances of non-compliance mostly in relation to procurement and recruitment.

While recognising the concrete and positive steps undertaken by the Office since it adopted the new Governance Action Plan in 2018, aimed at overcoming the irregularities found by the Court, the Council fully endorses the Court's recommendations and urges the Office to implement them in a timely manner, and in particular to:

- continue to further improve the human resources situation of the Office, including additional efforts to fill the vacant management posts, in order to ensure the continuation of the Office's activities;

- where still not in place, address as a matter of priority the lack of comprehensive arrangements concerning the privileges and immunities of asylum support teams and other EASO forces. Furthermore, the Council acknowledges that the Office is highly dependent on the deployment of national experts, and in the absence thereof on interim workers and consultants. All the above creates significant risks to business continuity and financial and reputational risks in a sensitive policy area;
- continue sustained efforts to strengthen organisational governance and internal controls, in particular by completing all measures foreseen in the Office's Governance Action Plan of autumn 2018, establishing an internal audit capability and effective *ex post* controls, ensuring a strong legal function, and implementing a sensitive post policy and a formal policy for the management of rented premises;
- continue the efforts to ensure strict respect for public procurement rules laid down in the Financial Regulation, in order to overcome the major weaknesses in procurement procedures identified by the Court, related in particular to the lack of correct tender specifications and unclear contract provisions.

Taking note of the Office's reply and the regularly provided additional information, the Council calls on the Office to continue to consistently implement corrective actions in line with the Court's recommendations, in order to achieve the essential improvements necessary in the areas of recruitment, internal controls and procurement.

The Council underlines the great importance it attaches to the follow-up of these corrective actions and calls on the Office to inform the Council regularly and in detail of all progress made.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Agency for the operational management of large-scale IT systems in the area
of freedom, security and justice
in respect of the implementation of the budget
of the European Agency for the operational management of large-scale IT systems in the area
of freedom, security and justice
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011¹, and in particular Article 47(12) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

¹ OJ L 295, 21.11.2018, p. 99.

² OJ L 193, 30.7.2018, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, hereinafter referred to as the "Agency", as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2018, accompanied by the Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council

The President

¹ OJ C 417, 11.12.2019, p. 141.

COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE
IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

The Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2018 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council, whilst taking note of the Agency's reply and given the large and increasing investment foreseen in the coming years, calls on the Agency to further improve its procurement procedures, in particular to align contract prices with tenderers' offers and strengthen procurement-related controls, in order to ensure full compliance with the applicable rules and best value for money procurements.

The Council regrets the weakness found by the Court in the area of recruitment and encourages the Agency to take appropriate actions to ensure that published selection criteria are respected.

Finally, the Council calls on the Agency to continue to improve its budgetary planning, especially with regard to legislation not adopted yet, and monitoring of budget implementation, in order to ensure strict compliance with the budgetary principles of sound financial management and annuality.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Institute of Innovation and Technology
in respect of the implementation of the budget
of the European Institute of Innovation and Technology
for the financial year 2018

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology¹, and in particular Article 21(4) thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012², and in particular Article 70(4) thereof,

Having examined the revenue and expenditure accounts for the financial year 2018 and the balance sheet as at 31 December 2018 of the European Institute of Innovation and Technology, hereinafter referred to as the "Institute", as well as the Court of Auditors' report on the annual accounts of the Institute for the financial year 2018, accompanied by the Institute's replies to the Court's observations³,

¹ OJ L 97, 9.4.2008, p. 1.

² OJ L 193, 30.7.2018, p. 1.

³ OJ C 417, 11.12.2019, p. 66.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2018 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Institute in respect of the implementation of the budget for the financial year 2018.

Done at Brussels,

For the Council
The President

**COMMENTS ACCOMPANYING
THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE
EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)**

The Council welcomes the Court's opinion that the Institute's annual accounts present fairly, in all material respects, its financial position as at 31 December 2018 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Institute's Financial Regulation, and that the underlying transactions for 2018 are legal and regular with the exception of the matter described below. Nevertheless, some observations need to be made.

The Council regrets the Court's findings of shortcomings in a few cases of payment of allowances to staff which were deemed as irregular, and a case where a wrong person was paid without being eligible for such a payment. The Council calls on the Institute to strengthen its internal control procedures to ensure that all payments are done in full accordance with the Staff Regulations and that the payments are made to the correct recipients.

The Council notes the Court's observation that the Institute's *ex ante* controls of prices and uplifts related to the use of an IT framework have not been effective. The Council calls on the Institute to improve its *ex ante* controls related to framework contracts in order to ensure a proper competitive procedure for all procurements.

The Council calls on the Institute to improve its payment procedures, especially the timely management of cash needs to avoid late payment interests as observed by the Court.

While acknowledging the Institute's work in implementing the objective of Knowledge Information Communities' (KICs) Financial Sustainability, the Council encourages the Institute to make further efforts to improve management structures, review the portfolio of activities pursued and endorse alternative sources to increase the financial independence of KICs from the Institute.