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REPORT

on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2013 (2014/2100(DEC))

Committee on Budgetary Control

Rapporteur: Ryszard Czarnecki

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1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2013 (2014/2100(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2013,
- having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2013, together with the Agency's replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2013, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 17 February 2015 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2013 (05304/2015 – C8-0054/2015),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁴, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work⁵, and in particular Article 14 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁶,

¹ OJ C 442, 10.12.2014, p. 340.

² OJ C 442, 10.12.2014, p. 340.

³ OJ L 248, 16.9.2002, p. 1.

⁴ OJ L 298, 26.10.2012, p. 1.

⁵ OJ L 216, 20.8.1994, p. 1.

⁶ OJ L 357, 31.12.2002, p. 72.

- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹, and in particular Article 108 thereof,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0076/2015),
1. Grants the Director of the European Agency for Safety and Health at Work discharge in respect of the implementation of the Agency's budget for the financial year 2013;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

¹ OJ L 328, 7.12.2013, p. 42.

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2013 (2014/2100(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Agency for Safety and Health at Work for the financial year 2013,
- having regard to the Court of Auditors' report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2013, together with the Agency's replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2013, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 17 February 2015 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2013 (05304/2015 – C8-0054/2015),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁴, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work⁵, and in particular Article 14 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁶,

¹ OJ C 442, 10.12.2014, p. 340.

² OJ C 442, 10.12.2014, p. 340.

³ OJ L 248, 16.9.2002, p. 1.

⁴ OJ L 298, 26.10.2012, p. 1.

⁵ OJ L 216, 20.8.1994, p. 1.

⁶ OJ L 357, 31.12.2002, p. 72.

- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹, and in particular Article 108 thereof,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0076/2015),
1. Notes that the final annual accounts of the European Agency for Safety and Health at Work are as annexed to the Court of Auditors' report;
 2. Approves the closure of the accounts of the European Agency for Safety and Health at Work for the financial year 2013;
 3. Instructs its President to forward this decision to the Director of the European Agency for Safety and Health at Work, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

¹ OJ L 328, 7.12.2013, p. 42.

3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2013 (2014/2100(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2013,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Employment and Social Affairs (A8-0076/2015),
- A. whereas, according to its financial statements, the final budget of the European Agency for Safety and Health at Work (“the Agency”) for the financial year 2013 was EUR 17 682 338, representing an increase of 4,50 % compared to 2012,
- B. whereas the Union's contribution for the financial year 2013 to the Agency's budget amounted to EUR 15 614 775, representing a decrease of 3,77 % compared to 2012,
- C. whereas the Court of Auditors, in its report on the annual accounts of the European Agency for Safety and Health at Work for the financial year 2013 (“the Court's report”), has stated that it has obtained reasonable assurances that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular,
- D. whereas the Agency's task is to collect and disseminate information on national and Union priorities in the field of health and safety at work, to support national and Union organisations involved in policymaking and implementation and to provide information on preventive measures,

Follow-up of the 2012 discharge

1. Notes from the Court’s report that regarding two comments made in the Court's 2011 report and marked as “Ongoing” or “Outstanding” in the Court’s 2012 report, corrective actions were taken and the two comments are now marked in the Court's 2013 report as "Completed"; notes furthermore that regarding the two comments made in the Court's 2012 report, one corrective action was taken and the related comment is now marked as "Completed" while one is now marked as "Ongoing";
2. Acknowledges from the Agency that:
 - the agreement with the Kingdom of Spain on the Agency's seat was concluded successfully in September 2013
 - the information on its activities' impact on Union citizens is provided on the Agency's

website through the publication of general evaluations of the Agency, the annual report, the Director's annual activity report as well as the analysis and assessment of the activity report by the Board;

- in particular significant improvements were made in the implementation of the annual work programme, the listing of activity-based budgeting in 2013 and issues with regard to recruitment and salaries;

Budget and financial management

3. Notes that budget monitoring efforts during the financial year 2013 resulted in a budget implementation rate of 98,94 %, and that the payment appropriations execution rate was 70,19 %;

Commitments and carry-overs

4. Notes with concern that the level of committed appropriations carried over to 2014 was high at EUR 601 426 (30 %) for Title II (Administrative expenditure) and EUR 3 693 549 (46 %) for Title III (Operational expenditure);
5. Notes that the high level of Title II carry-overs was caused by the planned year-end purchase of goods and services related to the Agency's move into its new premises, as well as by the renewal of annual IT contracts; notes furthermore that the high level of planned carry-overs in Title III mainly resulted from the multiannual nature of major projects launched in 2013;

Transfers

6. Notes that according to the annual activity report, as well as the Court of Auditors' audit findings, the level and nature of transfers in 2013 have remained within the limits of the financial rules;

Procurement and recruitment procedures

7. Notes that for 2013, neither sampled transactions nor other audit findings have led to any comments on the Agency's procurement procedures in the Court of Auditor's annual audit report;
8. Notes that the Court of Auditors made no comments in its annual audit report for 2013 as regards the Agency's recruitment procedures;

Prevention and management of conflicts of interests and transparency

9. Acknowledges from the Agency that its Governing Board adopted the Agency's conflicts of interests policy in November 2014; notes, moreover, that the policy includes provisions regarding the publication of CVs and the declarations of interests of the Director and of Senior Management; observes that the majority of these documents were made publicly available; urges the Agency to provide a track record of all the conflicts of interests cases until the end of September 2015; observes with concern that the obligation to publish CVs and Declarations of Interests is not applicable to experts; calls on the

Agency to also extend this obligation to experts;

10. Requests that the Agency adopt comprehensive policies for the management of conflicts of interests situations such as divesting the public official's interests, the recusal of the public official from involvement in an affected decision-making process, the restriction of access by the affected public official to particular information, the rearrangement of the public official's duties or the resignation of the public official from their office;
11. Notes that existing procedures regarding the prevention of conflicts of interests for the Agency's staff are under revision and that they will be completed in 2015; calls on the Agency to inform the discharge authority about the results of this revision as soon as it is completed;

Internal controls

12. Takes note that during 2013, 100 % of the Agency's budget was covered by ex ante verifications;

Internal audit

13. Acknowledges from the Agency that in 2012 the Commission's Internal Audit Service (IAS) carried out an in-depth risk assessment and submitted its final strategic audit plan for 2013-2015, which was endorsed by the Agency's Director and its Management Board;
14. Notes that the IAS also carried out an audit on "Reporting/Building Binterlocks of Assurance" which led to one recommendation rated as "Very Important" and seven rated as "Important"; takes note that the Agency submitted an action plan aimed at mitigating the identified weaknesses which was approved by the IAS;
15. Notes that in 2013 the IAS followed up on its earlier recommendations and concluded that no critical recommendations were open, that one "Very Important" was closed and that the implementation of the second "Very Important" recommendations was on track;

Other comments

16. Notes that 2013 was the last year of the EU-OSHA Strategy 2009-2013; appreciates the Agency's achievements during this period, in particular the promotion of online interactive tools for small and medium-sized enterprises in the area of occupational safety and health management; notes the adoption of the Agency's new Multiannual Strategic Programme for the years 2014-2020;
17. Welcomes the fact that the Agency finally moved to its new premises on 1 January 2014 and notes the significant decrease in rent costs, following the conclusion of the seat agreement with the Spanish authorities.

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18. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of ... 2015¹ on the performance, financial management and control of the agencies.

¹ Texts adopted of that date, P8_TA-PROV(2015)0000

30.1.2015

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2013
(2014/2100(DEC))

Rapporteur: Marian Harkin

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Expresses its satisfaction that the Court of Auditors has declared the transactions underlying the Agency's annual account for the financial year 2013 to be legal and regular and that its financial position as of 31 December 2013 is fairly represented;
2. Notes that 2013 was the last year of the EU-OSHA Strategy 2009-2013; appreciates the Agency's achievements during this period, in particular the promotion of online interactive tools for small and medium-sized enterprises in the area of occupational safety and health management; notes the adoption of the Agency's new Multiannual Strategic Programme for the years 2014-2020;
3. Acknowledges the high implementation rate of the budget (99 %) in 2013, indicating that commitments were made in a timely manner; notes however the high level of carry-overs in Titles II (30 %) and III (46 %); takes note of the Court's explanation for the carry-overs, confirmed by the Agency and notes there was no unexpected carry-overs;
4. Welcomes the Agency's completed corrective actions in relation to the Court's comments made in previous years, in particular significant improvements in the implementation of the annual work programme, the listing of activity-based budgeting in 2013 and issues in regard to recruitment and salaries;
5. Welcomes the fact that the Agency finally moved its new premises on 1 January 2014 and notes the significant decrease in rent costs, following the conclusion of the seat agreement

with the Spanish authorities.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	29.1.2015
Result of final vote	+: 45 -: 7 0: 0
Members present for the final vote	Laura Agea, Guillaume Balas, Tiziana Beghin, Brando Benifei, Mara Bizzotto, Viliija Blinkevičiūtė, Enrique Calvet Chambon, David Casa, Ole Christensen, Martina Dlabajová, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Danuta Jazłowiecka, Rina Ronja Kari, Jan Keller, Ádám Kósa, Agnieszka Kozłowska-Rajewicz, Zdzisław Krasnodębski, Kostadinka Kuneva, Jean Lambert, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Anthea McIntyre, Joëlle Mélin, Elisabeth Morin-Chartier, Georgi Pirinski, Marek Plura, Sofia Ribeiro, Maria João Rodrigues, Claude Rolin, Anne Sander, Sven Schulze, Siôn Simon, Jutta Steinruck, Romana Tomc, Yana Toom, Marita Ulvskog, Renate Weber, Tatjana Ždanoka, Jana Žitňanská, Inês Cristina Zuber
Substitutes present for the final vote	Tania González Peñas, Richard Howitt, Paloma López Bermejo, António Marinho e Pinto, Edouard Martin, Helga Stevens, Monika Vana

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	23.3.2015
Result of final vote	+: 23 -: 5 0: 0
Members present for the final vote	Nedzhmi Ali, Inés Ayala Sender, Ryszard Czarnecki, Dennis de Jong, Tamás Deutsch, Martina Dlabajová, Ingeborg Gräßle, Bernd Kölmel, Bogusław Liberadzki, Verónica Lope Fontagné, Monica Macovei, Georgi Pirinski, Petri Sarvamaa, Claudia Schmidt, Igor Šoltes, Bart Staes, Michael Theurer, Marco Valli, Derek Vaughan, Anders Primdahl Vistisen, Joachim Zeller
Substitutes present for the final vote	Caterina Chinnici, Iris Hoffmann, Monika Hohlmeier, Andrey Novakov, Julia Pitera, Miroslav Poche
Substitutes under Rule 200(2) present for the final vote	Laura Ferrara