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## REPORT

1. on the postponement of the decision concerning discharge to the European Agency for Safety and Health at Work for the financial year 2001 (C5-0102/2003 – 2003/2046(DEC))
2. on the postponement of the decision concerning discharge to the European Environment Agency for the financial year 2001 (C5-0098/2003 – 2003/2044(DEC))
3. on the postponement of the decision concerning discharge to the Translation Centre for the bodies of the European Union for the financial year 2001 (C5-0100/2003 – 2003/2045(DEC))
4. on the postponement of the decision concerning discharge to the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2001 (C5-0096/2003 – 2003/2043(DEC))
5. on the postponement of the decision concerning discharge to the European Monitoring Centre on Racism and Xenophobia for the financial year 2001 (C5-0094/2003 – 2003/2042(DEC))

Committee on Budgetary Control

Rapporteur: Freddy Blak



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## PROCEDURAL PAGE

### European Agency for Safety and Health at Work

By letter of 27 November 2002, the Court of Auditors forwarded to Parliament its report on the financial statements of the European Agency for Safety and Health at Work for the financial year 2001, together with the Agency's replies (2003/2046(DEC)).

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible, and to the Committee on Employment and Social Affairs for its opinion (C5-102/2003).

On 10 March 2003, the Council forwarded to Parliament its recommendation on the discharge to be given to the Director of the European Agency for Safety and Health at Work in respect of the implementation of the Agency's budget for the financial year 2001.

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible, and to the Committee on Employment and Social Affairs for its opinion (C5-0103/2003).

### European Environment Agency

By letter of 27 November 2002, the Court of Auditors forwarded to Parliament its report on the financial statements of the European Environment Agency for the financial year 2001, together with the Agency's replies (2003/2044(DEC)).

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible, and to the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0098/2003).

On 10 March 2003, the Council forwarded to Parliament its recommendation on the discharge to be given to the Director of the European Environment Agency in respect of the implementation of the Agency's budget for the financial year 2001.

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control as the committee responsible, and to the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0099/2003).

### Translation Centre for the bodies of the European Union

By letter of 27 November 2002, the Court of Auditors forwarded to Parliament its report on the financial statements of the Translation Centre for the bodies of the European Union for the financial year 2001, together with the Centre's replies (2003/2045(DEC)).

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible (C5-0100/2003).

On 10 March 2003, the Council forwarded to Parliament its recommendation 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 Centre's budget for the financial year 2001.

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control as the committee responsible (C5-0101/2003).

#### European Monitoring Centre for Drugs and Drug Addiction

By letter of 27 November 2002, the Court of Auditors forwarded to Parliament its report on the financial statements of the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2001, together with the Centre's replies (2003/2043(DEC)).

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible, and to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs for its opinion (C5-0096/2003).

On 10 March 2003, the Council forwarded to Parliament its recommendation 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 Centre's budget for the financial year 2001.

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control as the committee responsible, and to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs for its opinion (C5-0097/2003).

#### European Monitoring Centre on Racism and Xenophobia

By letter of 27 November 2002, the Court of Auditors forwarded to Parliament its report on the financial statements of the European Monitoring Centre on Racism and Xenophobia for the financial year 2001, together with the Centre's replies (2003/2042(DEC)).

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control, as the committee responsible, and to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs for its opinion (C5-0094/2003).

On 10 March 2003, the Council forwarded to Parliament its recommendation on the discharge to be given to the Director of the European Monitoring Centre on Racism and Xenophobia in respect of the implementation of the Centre's budget for the financial year 2001.

At the sitting of 13 March 2003, the President of Parliament announced that he had referred this document to the Committee on Budgetary Control as the committee responsible, and to

the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs for its opinion (C5-0095/2003).

At its meeting of 10 September 2002, the Committee on Budgetary Control appointed Freddy Blak rapporteur.

At its meetings of 10 and 19 March 2003, the Committee on Budgetary Control considered the Court of Auditors' reports, the Council recommendations and the draft report.

At the last meeting it adopted:

1. the proposal for a decision on the postponement of the decision concerning discharge to the Directors of the European Agency for Safety and Health at Work, of the European Environment Agency, of the Translation Centre for the bodies of the European Union, of the European Monitoring Centre for Drugs and Drug Addiction and of the European Monitoring Centre on Racism and Xenophobia, in respect of the implementation of each Agency's budget for the financial year 2001, unanimously.
2. the motion for a resolution containing the comments accompanying the proposal for a decision on the postponement of the decision concerning discharge to the Directors of the European Agency for Safety and Health at Work, of the European Environment Agency, of the Translation Centre for the bodies of the European Union, of the European Monitoring Centre for Drugs and Drug Addiction and of the European Monitoring Centre on Racism and Xenophobia, in respect of the implementation of each Agency's budget for the financial year 2001, unanimously.

The following were present for the vote: Diemut R. Theato, chairman, Herbert Bösch, 1st vice-chairman, Freddy Blak, 2nd vice-chairman and rapporteur; María Antonia Avilés Perea, Juan José Bayona de Perogordo, Manuel António dos Santos (for Eluned Morgan), Christopher Heaton-Harris, Helmut Kuhne, Brigitte Langenhagen, John Joseph McCartin (for Generoso Andria), Emmanouil Mastorakis (for Paulo Casaca), Jan Mulder (for Antonio Di Pietro), Ole Sørensen, Bart Staes, Gabriele Stauner, Rijk van Dam and Michiel van Hulten.

The Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Consumer Policy, and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided on 20 and 19 March 2003 not to deliver an opinion.

The report was tabled on 25 March 2003.

## PROPOSAL FOR A DECISION

1. **European Parliament decision on the postponement of the decision concerning discharge to:**
  - **the Director of the European Agency for Safety and Health at Work (C5-0102/2003 - 2003/2046(DEC)),**
  - **the Director of the European Environment Agency (C5-0098/2003 - 2003/2044(DEC)),**
  - **the Director of the Translation Centre for the bodies of the European Union (C5-0100/2003 - 2003/2045(DEC)),**
  - **the Director of the European Monitoring Centre for Drugs and Drug Addiction (C5-0096/2003 - 2003/2043(DEC)),**
  - **the Director of the European Monitoring Centre on Racism and Xenophobia (C5-0094/2003 - 2003/2042(DEC)),****in respect of the implementation of each Agency's budget for the financial year 2001**

*The European Parliament,*

- having regard to the Court of Auditors' report on the financial statements and management of the European Agency for Safety and Health for the financial year ended 31 December 2001<sup>1</sup>, together with the Agency's replies (C5-0102/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Environment Agency for the financial year ended 31 December 2001<sup>2</sup>, together with the Agency's replies (C5-0098/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the Translation Centre for the bodies of the European Union for the financial year ended 31 December 2001<sup>3</sup>, together with the Centre's replies (C5-0100/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Monitoring Centre for Drugs and Drug Addiction for the financial year ended 31 December 2001<sup>4</sup>, together with the Centre's replies (C5-0096/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Monitoring Centre on Racism and Xenophobia for the financial year ended 31 December 2001<sup>5</sup>, together with the Centre's replies (C5-0094/2003),

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<sup>1</sup> JO C 326, 27.12.2002, p. 9.

<sup>2</sup> JO C 326, 27.12.2002, p. 17.

<sup>3</sup> JO C 326, 27.12.2002, p. 35.

<sup>4</sup> JO C 326, 27.12.2002, p. 64.

<sup>5</sup> JO C 326, 27.12.2002, p. 72.

- having regard to the Council's recommendation of 7 March 2003 (C5-0103/2003, C5-0099/2003, C5-0101/2003, C5-0097/2003, C5-0095/2003),
  - having regard to the EC Treaty, and in particular Article 276 thereof,
  - having regard to the recast Financial Regulation of 25 June 2002<sup>1</sup> and in particular Article 185 thereof,
  - having regard to the Commission's Regulation n° 2343/2002 of 19 November 2002<sup>2</sup> on the framework Financial Regulation of the bodies referred to in Article 185 of Council Regulation n° 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities and, in particular, Article 94 of Regulation n° 2343/2002,
  - having regard to Rule 93a and Annex V of its Rules of Procedure,
  - having regard to the Report of the Committee on Budgetary Control (A5-0074/2003),
1. Postpones the decision concerning discharge to:
    - the Director of the European Agency for Safety and Health at Work,
    - the Director of the European Environment Agency,
    - the Director of the Translation Centre for the bodies of the European Union,
    - the Director of the European Monitoring Centre for Drugs and Drug Addiction, and
    - the Director of the European Monitoring Centre on Racism and Xenophobia,
 in respect of the implementation of each Agency's budget for the financial year 2001;
  2. Records its comments in the accompanying resolution;
  3. Instructs its President to forward this decision and the accompanying resolution to the Directors of the European Agency for Safety and Health at Work, of the European Environment Agency, of the Translation Centre for the bodies of the European Union, of the European Monitoring Centre for Drugs and Drug Addiction and of the European Monitoring Centre on Racism and Xenophobia, the Council, the Commission and the Court of Auditors and to have it published in the Official Journal (L series).

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<sup>1</sup> JO L 248, 16.9.2002.

<sup>2</sup> JO L 357, 31.12.2002, p. 72



## MOTION FOR A RESOLUTION

2. **European Parliament resolution containing the comments accompanying the proposal for a decision on the postponement of the decision concerning discharge to:**
- **the Director of the European Agency for Safety and Health at Work (C5-0102/2003 - 2003/2046(DEC)),**
  - **the Director of the European Environment Agency (C5-0098/2003 - 2003/2044(DEC)),**
  - **the Director of the Translation Centre for the bodies of the European Union (C5-0100/2003 - 2003/2045(DEC)),**
  - **the Director of the European Monitoring Centre for Drugs and Drug Addiction (C5-0096/2003 - 2003/2043(DEC)),**
  - **the Director of the European Monitoring Centre on Racism and Xenophobia (C5-0094/2003 - 2003/2042(DEC)),**
- in respect of the implementation of each Agency's budget for the financial year 2001**

*The European Parliament,*

- having regard to the Court of Auditors' report on the financial statements and management of the European Agency for Safety and Health for the financial year ended 31 December 2001<sup>1</sup>, together with the Agency's replies (C5-0102/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Environment Agency for the financial year ended 31 December 2001<sup>2</sup>, together with the Agency's replies (C5-0098/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the Translation Centre for the bodies of the European Union for the financial year ended 31 December 2001<sup>3</sup>, together with the Centre's replies (C5-0100/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Monitoring Centre for Drugs and Drug Addiction for the financial year ended 31 December 2001<sup>4</sup>, together with the Centre's replies (C5-0096/2003),
- having regard to the Court of Auditors' report on the financial statements and management of the European Monitoring Centre on Racism and Xenophobia for the financial year ended 31 December 2001<sup>5</sup>, together with the Centre's replies (C5-0094/2003),
- having regard to the Council's recommendation of 7 March 2003 (C5-0103/2003, C5-0099/2003, C5-0101/2003, C5-0097/2003, C5-0095/2003),

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<sup>1</sup> JO C 326, 27.12.2002, p. 9.

<sup>2</sup> JO C 326, 27.12.2002, p. 17.

<sup>3</sup> JO C 326, 27.12.2002, p. 35.

<sup>4</sup> JO C 326, 27.12.2002, p. 64.

<sup>5</sup> JO C 326, 27.12.2002, p. 72.

- having regard to the EC Treaty, and in particular Article 276 thereof,
  - having regard to the recast Financial Regulation of 25 June 2002<sup>1</sup> and in particular Article 185 thereof,
  - having regard to the Commission's Regulation n° 2343/2002 of 19 November 2002<sup>2</sup> on the framework Financial Regulation of the bodies referred to in Article 185 of Council Regulation n° 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities and, in particular, Article 94 of Regulation n° 2343/2002,
  - having regard to Rule 93a and Annex V of its Rules of Procedure,
  - having regard to the Report of the Committee on Budgetary Control(A5–0074/2003),
- A. Whereas, until now, on the basis of the specific relevant regulations and their respective financial rules, Parliament was responsible for giving discharge to the Dublin Foundation, to CEDEFOP and to the European Reconstruction Agency;
- B. Whereas the new Financial Regulation No 1605, adopted on 25 June 2002, applicable from 1 January 2003, provided for changes on budgetary and financial matters - including discharge- concerning directly the satellite bodies that receive grants charged to the budget of the Communities;
- C. Whereas the above mentioned Regulation in its Article 185, paragraphs 1 and 2, provides for discharge to the bodies set up by the Communities and having legal personality which actually receive grants charged to the budget, to be given by the Parliament on the recommendation of the Council;
- D. Whereas, at the present time, the legislative procedures for modifying the constituent acts of the various agencies, in order to bring them into line with the new Financial Regulation, are still under way;
- E. Whereas this new situation called for a clarification of the rules applicable with reference to the discharge to be given to these bodies for the 2001 financial year;
- F. Whereas the Commission, in the context of this new situation, provided a clarification with regard to the rules applicable to the discharge procedure concerning these bodies in its note of 3 February 2003 to the Directors of the agencies, and the Committee on Budgetary control examined the matter at its meeting of 10 February 2003;
- G. Whereas the fact that the new Financial Regulation is applicable from 1 January 2003 had as a consequence that the Parliament is not called to give discharge to those agencies that had completed before 31 December 2002 their discharge procedures for the financial year 2001 under the previous rules ;

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<sup>1</sup> JO L 248, 16.9.2002.

<sup>2</sup> JO L 357, 31.12.2002, p. 72

- H. Whereas Article 145 of the new Financial Regulation and Article 94<sup>1</sup> of the Commission framework Financial Regulation for the community bodies referred to in Article 185 of Council Regulation n° 1605/2002, provide for Parliament to consider a report concerning discharge for a given financial year to be given to those bodies by 30 April of the year n+2; furthermore, in case of a proposal by the competent Committee postponing the discharge decision it provides for the resolution to give the reasons for the postponement;
1. Welcomes the fact that in this new legal framework Parliament is the competent authority for giving discharge to those bodies and considers that one of its longstanding demands for discharge to be given by it to the agencies as a means of enhancing transparency, accountability and democratic control is thus satisfied;
  2. Stresses that in order to fulfil its responsibilities as discharge authority in the context of this new framework it intends to work in very close co-operation with the agencies and expects these bodies equally to respond accordingly;
  3. Regrets that in the circumstances related to this transition from the previous financial rules to the new ones, there was not sufficient time to obtain the full information from these bodies that it deems necessary and adequate in order to fulfil its role as discharge authority;
  4. Expects therefore to receive, as soon as possible, all relevant information from these bodies in reply to the requests it will formulate and intends, in a spirit of loyal co-operation among institutions, to transmit all such information to the Council which is competent for a recommendation to Parliament with respect to discharge;
  5. Expresses its intention to consider its decision on the discharge to these bodies once it has received all such information enabling it to reach a decision.

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<sup>1</sup> JO L 357, 31.12.2002, p. 72 (Commission Regulation (EC, Euratom) No 2343/2002)