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REPORT

on the discharge for the implementation of the budget of the European Food
Safety Authority for the financial year 2005
(C6-0399/2006 – 2006/2166(DEC))

Committee on Budgetary Control

Rapporteur: Edit Herczog

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1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the discharge for the implementation of the budget of the European Food Safety Authority for the financial year 2005 (C6-0399/2006 – 2006/2166(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2005¹,
- having regard to the Court of Auditors' report on the final annual accounts of the European Food Safety Authority for the financial year 2005, together with the Authority's replies²,
- having regard to the Council's recommendation of 27 February 2007 (5711/2007 - C6-0080/2007),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- 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, and in particular Article 185 thereof,
- having regard to (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 safety⁴, and in particular Article 44 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 1605/2002⁵, and in particular Article 94 thereof,
- having regard to Rule 71 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 the Environment, Public Health and Food Safety (A6-0112/2007),

¹OJ C 266, 31.10.2006, p. 22.

²OJ C 312, 19.12.2006, p. 42.

³OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁴OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁵OJ L 357, 31.12.2002, p. 72.

1. Grants the executive director of the European Food Safety Authority discharge for the implementation of the Authority's budget for the financial year 2005;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution that forms an integral part of it to the executive director of the European Food Safety Authority, 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).

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on closing the accounts of the European Food Safety Authority for the financial year 2005
(C6-0399/2006 – 2006/2166(DEC))**

The European Parliament,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2005¹,
- having regard to the Court of Auditors' report on the final annual accounts of the European Food Safety Authority for the financial year 2005, together with the Authority's replies²,
- having regard to the Council's recommendation of 27 February 2007 (5711/2007 - C6-0080/2007),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- 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, and in particular Article 185 thereof,
- 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 safety⁴, and in particular Article 44 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 1605/2002⁵, and in particular Article 94 thereof,
- having regard to Rule 71 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 the Environment, Public Health and Food Safety (A6-0112/2007),

1. Notes that the final annual accounts of the European Food Safety Authority for the

¹ OJ C 266, 31.10.2006, p. 22.

² OJ C 312, 19.12.2006, p. 42.

³ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁴ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁵ OJ L 357, 31.12.2002, p. 72.

financial years 2004 and 2005 are as follows:

Revenue and expenditure account for the financial years 2004 and 2005 (in EUR 1000)

	2005	2004
Operating revenue	27 405	20 591
TOTAL OPERATING REVENUE	27 405	20 591
Administrative expenditure		
Staff expenditure	-13 012	-7 564
Buildings and related expenditure	-3 627	-4 192
Other expenditure (including expenses with consolidated EC entities)	-2 205	-1 263
Depreciation and reduction in value of consolidated entities	-603	-333
Operating expenditure (including expenses with consolidated EC entities)	-8 413	-6 431
TOTAL OPERATING EXPENDITURE	-27 674	-19 783
<i>OPERATING PROFIT / (LOSS)</i>	-761	808
Revenue from financial operations	-	0
Expenditure from financial operations	-7	-7
PROFIT / (LOSS) ON FINANCIAL OPERATIONS	-7	-6
CURRENT PROFIT / (LOSS)	-768	802
Extraordinary revenue		
Extraordinary expenditure	-	-27
EXTRAORDINARY PROFIT / (LOSS)	-	-27
ECONOMIC OUTTURN FOR THE FINANCIAL YEAR	-768	775

NB - Variations in totals are due to the effects of rounding.

Source: The Authority's data - This table summarises the data provided by the Authority in its own annual accounts.

2. Approves closing the accounts of the European Food Safety Authority for the financial year 2005;
3. Instructs its President to forward this decision to the executive director of the European Food Safety Authority, 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).

3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with observations forming an integral part of the decision on the discharge for the implementation of the budget of the European Food Safety Authority for the financial year 2005

(C6-0399/2006 – 2006/2166(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Food Safety Authority for the financial year 2005¹,
- having regard to the Court of Auditors' report on the final annual accounts of the European Food Safety Authority for the financial year 2005, together with the Authority's replies²,
- having regard to Council's recommendation of 27 February 2007 (5711/2007 - C6-0080/2007),
- having regard to the EC Treaty, and in particular Article 276 thereof,
- 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, and in particular Article 185 thereof,
- 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 safety⁴, and in particular Article 44 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 1605/2002⁵, and in particular Article 94 thereof,
- having regard to Rule 71 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 the Environment, Public Health and Food Safety (A6-0112/2007),

A. whereas the Court of Auditors stated, that it obtained reasonable assurance that the annual

¹ OJ C 266, 31.10.2006, p. 22.

² OJ C 312, 19.12.2006, p. 42.

³ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁴ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁵ OJ L 357, 31.12.2002, p. 72.

accounts for the financial year ended 31 December 2005 were reliable, and the underlying transactions, subject to reservation, were legal and regular,

- B. whereas on 27 April 2006 Parliament gave discharge to the director in respect of the implementation of the Authority's budget for the 2004 financial year¹ and in the resolution accompanying the discharge decision Parliament, inter alia
- is disappointed to note that the Court of Auditors has again discovered anomalies in the application of the rules concerning staff recruitment, urges the Authority to apply with more transparency the rules regarding selection procedures;
 - is concerned by the irregularities noted by the Court of Auditors in contract award procedures;

General points concerning the majority of EU Agencies requiring individual discharge

1. Considers that the ever-growing number of Community Agencies and the activities of certain of them do not seem to form part of an overall policy framework, and that the remits of some Agencies do not always reflect the real needs of the Union or the expectations of its citizens, and notes that in general terms the Agencies do not always have a good image or a good press;
2. Invites the Commission therefore to define an overall policy framework for the setting up of new Community Agencies and to present a cost-benefit study before the setting up of any new agency, while being careful to avoid any overlap of activities between Agencies or with the remits of other European organisations;
3. Calls on the Court of Auditors to give its opinion on the cost-benefit study before Parliament takes its decision;
4. Invites the Commission to present every five years a study on the added value of every existing Agency; invites all relevant institutions in the case of a negative evaluation of the added value of an Agency to take the necessary steps by reformulating the mandate of that Agency or by closing it;
5. Considers it regrettable, given the growing number of regulatory agencies, that the negotiations on the draft interinstitutional agreement on the operating framework for the European regulatory agencies have not yet been concluded, and calls on the relevant departments of the Commission, in consultation with the Court of Auditors, to do their utmost to ensure that the agreement is brought to a rapid conclusion;
6. Notes that the Commission's budgetary responsibility calls for closer linking of the Agencies to the Commission; calls on the Commission and the Council to take all necessary steps to give the Commission a blocking minority in the supervisory bodies of the regulatory Agencies by 31 December 2007 and to provide for such a minority from the outset when new Agencies are set up;

¹ OJ L 340, 6.12.2006, p. 134.

7. Invites the Court of Auditors to create an additional chapter in its Annual Report, devoted to all Agencies to be discharged under the Commission's accounts in order to have a much clearer picture of the use of EU funds by Agencies;
8. Recalls the principle according to which all Community Agencies, whether subsidised or not, are subject to discharge by the Parliament, even where a discharge authority exists by virtue of their constitutive texts;
9. Calls on the Court of Auditors to perform performance audits for all Agencies and to report back to the relevant committees of Parliament, including the Committee on Budgetary Control;
10. Notes that the number of Agencies is constantly increasing and that, in accordance with the Commission's political responsibility for the operation of the Agencies, which goes far beyond mere logistical support, there is an even higher need for the Directorates-General of the Commission charged with the setting up and monitoring of Agencies to develop a common approach to the Agencies; considers that a structure similar to the one created by the Agencies for coordination among the DGs concerned would be a pragmatic way forward towards a common approach by the Commission on all matters relating to the Agencies;
11. Invites the Commission to improve administrative and technical support to the Agencies, taking into account the growing complexity of the Community's administrative rules and technical problems;
12. Notes the lack of a disciplinary body in any of the Community Agencies, and calls on the Commission to take the necessary steps to ensure that such a mechanism is rapidly put in place;
13. Welcomes the considerable improvements in the coordination among the Agencies, which allows them to tackle recurring problems and makes cooperation with the Commission and Parliament more efficient;
14. Takes the view that the establishment by a number of Agencies of a shared support service aimed at making their computerised financial management systems consistent with those of the Commission is a measure that should be taken further and extended;
15. Calls upon the Agencies to improve their cooperation and benchmarking with actors in the field; urges the Commission to adopt any measures it considers necessary to help the Agencies enhance their image and raise the profile of their activities;
16. Calls upon the Commission to come up with a proposal to harmonise the format of the annual reporting by the Agencies to develop performance indicators which would allow a comparison of their efficiency;
17. Invites the Agencies to present at the beginning of every year performance indicators against which they could be measured;

18. Invites all Agencies to increasingly use SMART objectives which should lead to more realistic planning and implementation of goals;
19. Agrees with the Court of Auditors that the Commission also bears responsibility for the (financial) management of the Agencies; therefore, urges the Commission to monitor and where necessary direct and help the management of the different Agencies, especially in relation to the proper application of tender procedures, transparency of recruitment procedures, sound financial management (underspending and overbudgeting) and most importantly the proper application of the rules concerning the internal control framework;
20. Considers that the Agencies' work programmes should express their contributions in operational and measurable terms and that due consideration should be given to the Commission's Internal Control Standards;

Specific Points

21. Notes that the financial year 2005 was marked by a significant under-implementation of the budget, with only 80 % of commitment and payment appropriations being used; considers that the Authority should make a serious effort to improve the use it makes of the appropriations with which it is entrusted to achieve its objectives;
22. Strongly deplores the fact that the changes it made to the establishment plan were not respected and that it restored the grades initially provided for in the draft budget in respect of 19 posts without informing it;
23. Notes the failure to introduce activity-based management although this is laid down by the Authority's financial regulation, along the lines of what was applied to the general budget with a view to improving performance monitoring;
24. Regrets the fact that the Authority did not carry out a risk analysis or formally lay down the internal control systems and procedures it follows and invites the Authority to do so as quickly as possible;
25. Notes with regard to recruitment that the Authority rejected candidates on the basis of criteria other than those provided for in the vacancy notices and, in addition, did not observe the regulatory provisions concerning the grades of selection board members in relation to the posts to be filled; insists on the strict application of the relevant criteria and on an effective check as to whether the documents submitted by candidates in support of their applications actually offer genuine proof;
26. Notes that the Authority had difficulties in recruiting highly skilled scientific staff in Parma;
27. Regrets that a considerable number of anomalies were revealed during the audits carried out on the award and conclusion of contracts; invites the Authority to urgently tighten up its internal control system;

28. Notes that buildings intended to house the Authority permanently are still not available and that the Authority was thus obliged to rent and fit out temporary premises (cost in 2005: approximately EUR 3 500 000); invites the Authority, together with the Commission, to clarify this situation with the national authorities, in particular with a view to any financial compensation.

1.3.2007

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Budgetary Control

on the discharge for the implementation of the budget of the European Food Safety Authority
for the financial year 2005
(C6-0399/2006 - 2006/2166(DEC))

Draftswoman: Jutta Haug

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Notes that 2005 was the third operational year for the European Food Safety Authority (EFSA) and the year of its move to its permanent seat in Parma; considers, therefore, that the Authority still continued to operate in transitional circumstances; assumes that the Authority has been able to stabilise its structures during 2006;
2. Notes that EFSA had difficulties in recruiting highly skilled scientific staff to Parma;
3. Expresses its satisfaction with the full implementation of the commitment appropriations for both the operating and administrative budget;
4. On the basis of the data available, is of the opinion that the Executive Director of the European Food Safety Authority can be granted discharge in respect of the implementation of the budget of the EFSA for the financial year 2005.

PROCEDURE

Title	Discharge for the implementation of the budget of the European Food Safety Authority for the financial year 2005
Procedure number	2006/2166(DEC)
Committee responsible	CONT
Opinion by Date announced in plenary	ENVI 29.11.2006
Enhanced cooperation – date announced in plenary	
Draftswoman Date appointed	Jutta Haug 14.9.2006
Previous drafts(wo)man	
Discussed in committee	22.1.2007
Date adopted	27.2.2007
Result of final vote	+: 49 -: 1 0: 1
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Satu Hassi, Jens Holm, Dan Jørgensen, Christa Kläß, Holger Kraemer, Urszula Krupa, Jules Maaten, Linda McAvan, Alexandru-Ioan Morțun, Roberto Musacchio, Riitta Myller, Péter Olajos, Antonia Parvanova, Frédérique Ries, Guido Sacconi, Daciana Octavia Sârbu, Karin Scheele, Carl Schlyter, Richard Seeber, Bogusław Sonik, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitute(s) present for the final vote	Kathalijne Maria Buitenweg, Christofer Fjellner, Milan Gaľa, Hélène Goudin, Jutta Haug, Henrik Lax
Substitute(s) under Rule 178(2) present for the final vote	Elisa Ferreira, Catherine Stihler
Comments (available in one language only)	

PROCEDURE

Title	Discharge for the implementation of the budget of the European Food Safety Authority for the financial year 2005		
References	C6-0399/2006 – 2006/2166(DEC)		
Legal basis	Article 276 EC		
Basis in Rules of Procedure	Rule 71 and Annex V		
OJ publication of the agency's final annual accounts	OJ C 266, 31.10.2006		
OJ publication of the Court of Auditors' annual report	OJ C 312, 19.12.2006		
Council recommendation Date forwarded	5711/2007 - C6-0080/2007 27.2.2007		
Committee responsible Date of referral	CONT 29.11.2006		
Committees asked for opinions Date of referral	ENVI 29.11.2006		
Rapporteur(s) Date appointed	Edit Herczog 20.4.2006		
Discussed in committee	28.2.2007	26.3.2007	
Date adopted	26.3.2007		
Result of vote:			
Proposal for decision on discharge	for: 20	against: 2	abstentions: 1
Proposal for a decision on the closure of the accounts	for: 20	against: 2	abstentions: 1
Motion for a resolution with comments	for: 20	against 2	abstentions: 1
Members present for the final vote	Jean-Pierre Audy, Herbert Bösch, Paulo Casaca, Szabolcs Fazakas, Christofer Fjellner, Ingeborg Gräßle, Dan Jørgensen, Bogusław Liberadzki, Nils Lundgren, Marusya Ivanova Lyubcheva, Hans-Peter Martin, Edith Mastenbroek, Francesco Musotto, Ovidiu Ioan Silaghi, Bart Staes		
Substitutes present for the final vote	Salvador Garriga Polledo, Edit Herczog, Véronique Mathieu, Bill Newton Dunn, Petre Popeangă, Paul Rübzig, Margarita Starkevičiūtė, Ralf Walter		
Substitutes under Rule 178(2) present for the final vote			
Date tabled	2.4.2007		
Comments (available in one language only)			