

**AMENDMENTS 001-033**

by the Committee on Budgets and the Committee on Budgetary Control

**Report**

**Ingeborg Gräßle, Crescenzo Rivellini**

**A7-0263/2010**

Amendment of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, as regards the European External Action Service

Proposal for a regulation (COM(2010)0085 – C7-0086/2010 – 2010/0054(COD))

**Amendment 1****Proposal for a regulation – amending act****Recital 1***Text proposed by the Commission*

(1) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter the Financial Regulation), lays down the budgetary principles and financial rules which should be respected in all legislative acts. It is necessary to amend certain provisions of the Financial Regulation in order to take account of the amendments introduced by the Treaty of Lisbon.

*Amendment*

(1) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter the Financial Regulation), lays down the budgetary principles and financial rules which should be respected in all legislative acts. It is necessary to amend certain provisions of the Financial Regulation in order to take account of the amendments introduced by the Treaty of Lisbon **and of the establishment of the European External Action Service, pursuant to Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service<sup>1</sup>.**

<sup>1</sup> OJ L 201, 3.8.2010, p.30.

## Amendment 2

### Proposal for a regulation – amending act Recital 2

*Text proposed by the Commission*

(2) The Treaty of Lisbon establishes a European External Action Service (hereinafter “EEAS”). According to ***the conclusions of the European Council of 29 and 30 October 2009***, the EEAS is a service of a sui generis nature and should be treated as an institution for the purposes of the Financial Regulation.

*Amendment*

(2) The Treaty of Lisbon establishes a European External Action Service (hereinafter “EEAS”). According to ***Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service***, the EEAS is a service of a sui generis nature and should be treated as an institution for the purposes of the Financial Regulation.

## Amendment 3

### Proposal for a regulation – amending act Recital 3

*Text proposed by the Commission*

(3) Given that the EEAS should be treated as an institution for the purposes of the Financial Regulation, the European Parliament is to grant discharge to the EEAS for the implementation of the appropriations voted in the EEAS section of the Budget. The European Parliament should also continue to grant discharge to the Commission for the implementation of Commission's section of the Budget, including operational appropriations implemented by Heads of Delegations who are sub-delegated authorising officers of the Commission.

*Amendment*

(3) Given that the EEAS should be treated as an institution for the purposes of the Financial Regulation, the European Parliament is to grant discharge to the EEAS for the implementation of the appropriations voted in the EEAS section of the Budget. ***In this context, the EEAS shall be fully subject to the procedures provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation. The EEAS shall fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, the additional necessary information, including through attendance in meetings of the relevant bodies.*** The European Parliament should also continue to grant discharge to the Commission for the implementation of Commission's section of the Budget, including operational appropriations implemented by Heads of Delegations who are sub-delegated authorising officers of the Commission. ***Given the novelty of this***

*structure, high-standard provisions on transparency and budgetary and financial accountability need to be applied.*

#### **Amendment 4**

##### **Proposal for a regulation – amending act Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Within the EEAS, a Director General for budget and administration should be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He shall work within the existing format and follow the same administrative rules which are applicable to the part of Section III of the EU budget that falls under heading 5 of the Multiannual Financial Framework.***

#### **Amendment 5**

##### **Proposal for a regulation – amending act Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) The Department for Inspections of the EEAS should examine the functioning of the Union Delegations and report directly to the Executive Secretary General.***

#### **Amendment 6**

##### **Proposal for a regulation – amending act Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***(3c) The setting up of the EEAS should be guided, as stated in the guidelines laid down by the European Council of 29 and 30 October 2009, by the principle of cost-efficiency aiming towards budget neutrality.***

## Amendment 7

### Proposal for a regulation – amending act Recital 4

#### *Text proposed by the Commission*

(4) The Lisbon Treaty foresees that Commission Delegations become part of the EEAS as Union Delegations. In order to ensure their efficient management, all administrative and support expenditure of Union Delegations which finance common costs should be executed by a single support service. To that effect, the Financial Regulation should foresee the possibility for detailed **rules**, to be agreed with the Commission, in order to facilitate the implementation of the Union Delegations' **operating appropriations entered in the EEAS and the Council sections of the Budget**.

#### *Amendment*

(4) The Lisbon Treaty foresees that Commission Delegations become part of the EEAS as Union Delegations. In order to ensure their efficient management, all administrative and support expenditure of Union Delegations which finance common costs should be executed by a single support service. To that effect, the Financial Regulation should foresee the possibility for detailed **arrangements**, to be agreed with the Commission, in order to facilitate the implementation of the Union Delegations' **administrative appropriations**.

## Amendment 8

### Proposal for a regulation – amending act Recital 5

#### *Text proposed by the Commission*

(5) It is necessary to ensure the continuity of the functioning of Union Delegations and in particular the continuity and efficiency in the management of external aid by the Delegations. Therefore the Commission should be authorised to subdelegate its powers of budget implementation of operational expenditure to Heads of Union Delegations belonging to EEAS as a separate institution. Furthermore, where the Commission implements the budget under direct centralised management, it should be allowed to do so also through sub-delegation to Heads of Union Delegations. The authorising officers by delegation of the Commission should continue to be responsible for the definition of internal management and control systems, while the Heads of Union Delegations should be

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responsible for the adequate set up and functioning of internal management and control systems and for the management of the funds and the operations carried out within their Delegations and they should report twice a year to that effect.

responsible for the adequate set up and functioning of internal management and control systems and for the management of the funds and the operations carried out within their Delegations and they should report twice a year to that effect. ***Such delegation should be capable of being revoked in accordance with the rules applicable to the Commission.***

## Amendment 9

### Proposal for a regulation – amending act Recital 8

*Text proposed by the Commission*

(8) The accounting officer of the Commission remains responsible for the entire Commission section of the Budget, ***including accounting operations relating to appropriations sub-delegated to Heads of Union Delegations. Therefore, it is necessary to clarify that the responsibilities of the accounting officer of the EEAS should only concern the EEAS section of the budget to avoid any overlapping of responsibilities.***

*Amendment*

(8) The accounting officer of the Commission remains responsible for the entire Commission section, ***as well as the EEAS section,*** of the Budget.

## Amendment 10

### Proposal for a regulation – amending act Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) In order to ensure democratic scrutiny of the implementation of the European Union's budget, the statements of assurance made by Heads of Union Delegations on the internal management and control systems in their delegation should be annexed to their annual activity reports and then be transmitted in copy also to the European Parliament.***

## Amendment 11

**Proposal for a regulation – amending act  
Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10b) The term "High Representative of the Union for Foreign Affairs and Security Policy" should, for the purposes of Regulation (EC, Euratom) No 1605/2002, be interpreted in accordance with the different functions of the High Representative under Article 18 of the Treaty on European Union.***

**Amendment 12**

**Proposal for a regulation – amending act  
Recital 10 c (new)**

*Text proposed by the Commission*

*Amendment*

***(10c) The European Development Fund, being the Union's most important financial instrument for development cooperation with the African, Caribbean and Pacific States, should fall within the ambit of the general budget of the European Union and the general Financial Regulation.***

**Amendment 13**

**Proposal for a regulation – amending act  
Article 1 – point 1  
Regulation (EC, Euratom) No 1605/2002  
Article 1**

*Text proposed by the Commission*

*Amendment*

***(1) In the first subparagraph of Article 1(2), the words 'the European External Action Service' are inserted in front of 'the Economic and Social Committee'.***

***(1) Article 1 is replaced by the following:***

***"Article 1***

***1. This Regulation lays down the rules for the establishment and the implementation of the general budget of the European Union ('the budget') and the presentation and auditing of the accounts.***

*2. For the purposes of this Regulation, the European Parliament, the European Council and the Council, the European Commission, the Court of Justice of the European Union and the European Court of Auditors shall be institutions of the Union. The European Economic and Social Committee, the Committee of the Regions, the European Ombudsman, the European Data Protection Supervisor and the European External Action Service (EEAS) shall be treated as institutions of the Union.*

*For the purposes of this Regulation, the European Central Bank shall not be considered an institution of the Union.*

*3. For the purposes of this Regulation, any reference to 'the Communities' or to 'the Union' shall be understood as a reference to the European Union and the European Atomic Energy Community."*

#### **Amendment 14**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 3**

Regulation (EC, Euratom) No 1605/2002

Article 30 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

"The Commission shall make available, in an appropriate manner, information on the beneficiaries of funds deriving from the budget held by it when the budget is implemented on a centralised basis *pursuant to Article 53a*, and information on the beneficiaries of funds as provided by the entities to which budget implementation tasks are delegated under other modes of management."

##### *Amendment*

"The Commission shall make available, in an appropriate manner, information on the beneficiaries of funds deriving from the budget held by it when the budget is implemented on a centralised basis *and directly by its departments or by Union Delegations in accordance with the second paragraph of Article 51*, and information on the beneficiaries of funds as provided by the entities to which budget implementation tasks are delegated under other modes of management."

## Amendment 15

### Proposal for a regulation – amending act

#### Article 1 – point 4

Regulation (EC, Euratom) No 1605/2002

Article 31 – paragraph 1

*Text proposed by the Commission*

(4) In the first paragraph of Article 31, *to* the words 'the European External Action Service' are inserted in front of '*the Economic and Social Committee*'.

*Amendment*

(4) In the first paragraph of Article 31, the words '*the European Council and*' are inserted in front of the words '*the Council*' and the words '*and*' the European External Action Service' are inserted in front of *the words 'shall draw up'*.

## Amendment 16

### Proposal for a regulation – amending act

#### Article 1 – point 4 a (new)

Regulation (EC, Euratom) No 1605/2002

Article 31 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(4a) In Article 31, the following paragraph is inserted after paragraph 1:*

*“The EEAS shall draw up an estimate of its revenue and expenditure, which it shall send to the Commission before 1 July each year. The High Representative will hold consultations with, respectively, the Commissioner for Development Policy, the Commissioner for Neighbourhood Policy and the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, regarding their respective responsibilities.”*

## Amendment 17

### Proposal for a regulation – amending act

#### Article 1 - point 4 b (new) (new)

Regulation (EC, Euratom) No 1605/2002

Article 33 - paragraph 3 (new)

**(4b) In Article 33, the following paragraph is inserted:**

**"3. In accordance with Article 8(5) of Council Decision 2010/427/EU and in order to ensure budgetary transparency in the area of the external action of the Union, the Commission shall transmit to the budgetary authority, together with the draft budget, a working document presenting, in a comprehensive way:**

**a) all administrative and operational expenditure related to the external actions of the Union, including the Member States' expenditures for CFSP missions and those provided for under the Athena Mechanism and the start-up fund as well as all expenditure spent in the previous year on the work of each individual special representative, special envoy, head of mission or other similar entity;**

**b) the EEAS' overall administrative expenditure for the previous year by delegation and for the EEAS' central administration and the operational expenditures by geographical area (regions, countries), thematic areas, delegation and mission.**

**The annex shall also:**

**a) show the number of posts for each grade in each category and the number of permanent and temporary posts including contractual and local staff authorised within the limits of the budget appropriations in each of the Union's Delegations as well as the EEAS' central administration;**

**b) show any increase or reduction of posts by grade and category in the EEAS' central administration and the entirety of the Union's Delegations based on the preceding year;**

**c) show the number of posts authorised for the financial year, the number of posts authorised for the preceding year, as well**

*as the number of posts occupied by diplomats seconded from the Member States, Council and Commission staff; provide a detailed picture of all staff in place in the delegations of the European Union at the time of presenting the draft budget including a breakdown by geographical area, individual country and mission, distinguishing establishment plan posts, contract agents, local agents and seconded national experts and appropriations requested in the draft budget for such other types of personnel with corresponding estimates of the equivalent full-time staff that may be employed within the limits of the appropriations requested."*

#### **Amendment 18**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 4 c (new)**

Regulation (EC, Euratom) No 1605/2002

Article 41 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(4c) In Article 41, the following paragraph is inserted:*

*"1a. All revenue and expenditure under the respective European Development Funds shall be entered under a special budget heading within the Commission section."*

#### **Amendment 19**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 4 d (new)**

Regulation (EC, Euratom) No 1605/2002

Article 46 – paragraph 1 – point 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(4d) In Article 46(1), the following point is added:*

*“(5a) the total amount of Common foreign and security policy (hereinafter*

***“CFSP”) operating expenditure shall be entered entirely in one budget chapter, entitled CFSP. The total amount of CFSP expenditure will be distributed between the Articles of the CFSP budget chapter. Those Articles will contain items which cover the CFSP expenditure of at least the major missions.”***

## **Amendment 20**

### **Proposal for a regulation – amending act**

#### **Article 1 - point 5**

Regulation (EC, Euratom) No 1605/2002

Article 50

#### *Text proposed by the Commission*

(5) In the first paragraph of Article 50, the following ***sentence is*** added:

"However, detailed ***rules*** may be agreed with the Commission in order to facilitate the implementation of the Union Delegations' ***operating*** appropriations entered in the EEAS and the Council sections of the Budget."

#### *Amendment*

(5) In the first paragraph of Article 50, the following ***sentences are*** added:

"However, detailed ***arrangements*** may be agreed with the Commission in order to facilitate the implementation of the Union Delegations' ***administrative*** appropriations.

***These arrangements must not contain any derogation from the provisions of the Financial Regulation and its implementing rules.”***

## **Amendment 21**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 6**

Regulation (EC, Euratom) No 1605/2002

Article 51

#### *Text proposed by the Commission*

"However, the Commission may delegate its powers of budget implementation concerning the appropriations of its own section to the Heads of Union Delegations. When Heads of Union Delegations act as sub-delegated authorising officers of the Commission, they shall apply the Commission rules for the implementation

#### *Amendment*

"However, the Commission may delegate its powers of budget implementation concerning the ***operational*** appropriations of its own section to the Heads of Union Delegations. ***It shall, at the same time, inform the High Representative of the Union for Foreign Affairs and Security Policy thereof.*** When Heads of Union

of the budget and shall be submitted to the same duties, obligations and accountability as any other sub-delegated authorising officer of the Commission.

Delegations act as subdelegated authorising officers of the Commission, they shall apply the Commission rules for the implementation of the budget and shall be submitted to the same duties, obligations and accountability as any other subdelegated authorising officer of the Commission.

***The Commission shall withdraw that delegation in accordance with its own rules.***

For the purposes of the second paragraph, the High Representative of the Union for Foreign Affairs and Security Policy shall take the measures necessary to facilitate the cooperation between Union Delegations and Commission departments."

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## **Amendment 22**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 8**

Regulation (EC, Euratom) No 1605/2002

Article 59 – paragraph 5

#### *Text proposed by the Commission*

"5. Where Heads of Union Delegations act as authorising officers by sub-delegation in accordance with the second paragraph of Article 51, they shall ***refer, where their duties as authorising officer so require, to the Commission as their institution.***"

#### *Amendment*

"5. Where Heads of Union Delegations act as authorising officers by subdelegation in accordance with the second paragraph of Article 51, they shall ***be subject to the Commission as the institution responsible for the definition, exercise, control and appraisal of their duties and responsibilities as authorising officers by sub-delegation. The Commission shall, at the same time, inform the High Representative of the Union for Foreign Affairs and Security Policy thereof.***"

## Amendment 23

### Proposal for a regulation – amending act

#### Article 1 – point 8 a (new)

Regulation (EC, Euratom) No 1605/2002

Article 60 – paragraph 7 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(8a) In the second subparagraph of Article 60(7), the following sentence is added:***

***"The annual activity reports shall also be made available to the budgetary authority."***

## Amendment 24

### Proposal for a regulation – amending act

#### Article 1 – point 9

Regulation (EC, Euratom) No 1605/2002

Article 60a

*Text proposed by the Commission*

*Amendment*

"Article 60a

"Article 60a

1. Where Heads of Union Delegations act as authorising officers by subdelegation in accordance with the second paragraph of Article 51, they shall cooperate closely with the Commission for the proper implementation of the funds, in order to ensure in particular the legality and regularity of financial transactions, the respect of the principle of sound financial management in the management of the funds and the effective protection the financial interests of the Union.

1. Where Heads of Union Delegations act as authorising officers by subdelegation in accordance with the second paragraph of Article 51, they shall cooperate closely with the Commission for the proper implementation of the funds, in order to ensure in particular the legality and regularity of financial transactions, the respect of the principle of sound financial management in the management of the funds and the effective protection the financial interests of the Union.

To this effect, they shall take the measures necessary to prevent any situation susceptible to put at stake the responsibility of the Commission for the implementation of the budget sub-delegated to them as well as any conflict of *interest or* priorities **having** impact on the implementation of the financial management tasks sub-delegated to them.

To this effect, they shall take the measures necessary to prevent any situation susceptible to put at stake the responsibility of the Commission for the implementation of the budget sub-delegated to them as well as any conflict of priorities **which is likely to have an** impact on the implementation of the financial management tasks sub-delegated to them.

Where a situation or conflict referred to in

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the second subparagraph *arise*, the Heads of Union Delegations shall inform the responsible ***Commission department and the High Representative of the Union for Foreign Affairs and Security Policy*** thereof without delay.

2. When a Head of a Union Delegation finds himself in a situation referred to in Article 60(6), he shall refer to the specialised financial irregularities panel set up pursuant to Article 66(4). In the event of any illegal activity, fraud or corruption which may harm the interests of the Union, he shall inform the authorities and bodies designated by the applicable legislation.

3. Heads of Union Delegations acting as authorising officers by subdelegation in accordance with the second paragraph of Article 51 shall report twice a year to their authorising officer by delegation so that the latter can integrate their reports in his annual activity report ***referred to in Article 60(7). That biannual*** report submitted by the Heads of Union Delegation shall include information on the efficiency and effectiveness of internal management and control systems put in place in their delegation, as well as the management of operations subdelegated to them.

4. Heads of Union Delegations acting as authorising officers by subdelegation in accordance with the second paragraph of Article 51 shall reply to any request by the authorising officer by delegation of

the second subparagraph *arises*, the Heads of Union Delegations shall inform the responsible ***Directors-General of the Commission and of the EEAS*** thereof without delay. ***They shall take appropriate steps to remedy the situation.***

2. When a Head of a Union Delegation finds himself in a situation referred to in Article 60(6), he shall refer to the specialised financial irregularities panel set up pursuant to Article 66(4). In the event of any illegal activity, fraud or corruption which may harm the interests of the Union, he shall inform the authorities and bodies designated by the applicable legislation.

3. Heads of Union Delegations acting as authorising officers by subdelegation in accordance with the second paragraph of Article 51 shall report to their authorising officer by delegation ***in the form of an annual activity report in application, mutatis mutandis, of Article 60(7)*** so that the latter can integrate their reports in his annual activity report. ***The annual activity reports of the Heads of Delegations shall be annexed, together with the statement of assurance pursuant to Article 66(3a), to the annual activity report of the authorising officer by delegation, which shall be transmitted to the European Parliament in accordance with Article 60(7).***

***Upon request, the Heads of Delegations shall report on the execution of their budgetary duties to the European Parliament's competent committee.***

***An annual intermediate*** report submitted by the Heads of Union Delegations shall include information on the efficiency and effectiveness of internal management and control systems put in place in their delegation, as well as the management of operations subdelegated to them.

4. Heads of Union Delegations acting as authorising officers by subdelegation in accordance with the second paragraph of Article 51 shall reply to any request by the authorising officer by delegation of *the*

Commission."

*Commission as well as the European Parliament's competent committee.*

*5. The Commission shall ensure that sub-delegating powers are not detrimental to the discharge procedure in the European Parliament, in the context of which the Commission assumes the full responsibility for the operating budget of the EEAS."*

## **Amendment 25**

**Proposal for a regulation – amending act**  
**Article 1 – point 10**  
Regulation (EC, Euratom) No 1605/2002  
Article 61 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(10) In Article 61(1), the following subparagraph is added:*

*deleted*

*"The responsibilities of the accounting officer of EEAS shall only concern the EEAS section of the budget as implemented by the EEAS."*

## **Amendment 26**

**Proposal for a regulation – amending act**  
**Article 1 – point 11 - point a**  
Regulation (EC, Euratom) No 1605/2002  
Article 66 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

"3a. In the event of subdelegation to the Heads of Union Delegations, the authorising officer by delegation shall be responsible for the definition of the internal management and control systems put in place, their efficiency and effectiveness. The Heads of Union Delegations shall be responsible for the adequate set up and functioning of those systems, in accordance with the instructions of the authorising officer by delegation, and for the management of the funds and the operations they carry within the Union

"3a. In the event of subdelegation to the Heads of Union Delegations, the authorising officer by delegation shall be responsible for the definition of the internal management and control systems put in place, their efficiency and effectiveness. The Heads of Union Delegations shall be responsible for the adequate set up and functioning of those systems, in accordance with the instructions of the authorising officer by delegation, and for the management of the funds and the operations they carry within the Union Delegation under their responsibility.

Delegation under their responsibility.

Heads of Union Delegations shall report on their responsibilities pursuant to the first subparagraph of this paragraph in accordance with Article 60a(3).

Each year, Heads of Union Delegations provide to the authorising officer by delegation of the Commission a statement of assurance on the internal management and control systems put in place in their Delegation in order to allow the authorising officer to establish his own statement of assurance."

***Before taking up their duties, they must complete specific training courses on the tasks and responsibilities of authorising officers and the implementation of the budget.***

Heads of Union Delegations shall report on their responsibilities pursuant to the first subparagraph of this paragraph in accordance with Article 60a(3).

Each year, Heads of Union Delegations *shall* provide to the authorising officer by delegation of the Commission a statement of assurance on the internal management and control systems put in place in their Delegation, ***as well as on the management of operations subdelegated to them and the results thereof***, in order to allow the authorising officer to establish his own statement of assurance. ***This shall be annexed, together with the annual activity report of the Head of Delegation, to the annual activity report of the authorising officer by delegation, which shall be transmitted to the European Parliament.***"

## Amendment 27

**Proposal for a regulation – amending act**  
**Article 1 – point 11 - point b**  
Regulation (EC, Euratom) No 1605/2002  
Article 66 – paragraph 5

### *Text proposed by the Commission*

"5. Where Heads of Union Delegations act as authorising officers by subdelegation in accordance with the second paragraph article 51, the specialised financial irregularities panel set up by the Commission pursuant to paragraph 4 of this Article shall be competent for cases referred to in that paragraph.

If the panel detects systemic problems, it shall send a report with recommendations to the authorising officer, the High Representative of the Union for Foreign Affairs and Security Policy and to the authorising officer by delegation of the

### *Amendment*

"5. Where Heads of Union Delegations act as authorising officers by subdelegation in accordance with the second paragraph article 51, the specialised financial irregularities panel set up by the Commission pursuant to paragraph 4 of this Article shall be competent for cases referred to in that paragraph.

If the panel detects systemic problems, it shall send a report with recommendations to the authorising officer, *to* the High Representative of the Union for Foreign Affairs and Security Policy and to the authorising officer by delegation of the

Commission, provided the latter is not the person involved, as well as to the internal auditor.

On the basis of the opinion of the panel, the Commission *may* request the High Representative of the Union for Foreign Affairs and Security Policy *to* initiate, in his capacity as appointing authority, proceedings entailing liability to disciplinary action or to payment of compensation against authorising officers by subdelegation if irregularities concern the competencies of the Commission sub-delegated to them. In such a case the High Representative shall *take appropriate action in accordance with the Staff Regulation.*"

Commission, provided the latter is not the person involved, as well as to the internal auditor.

On the basis of the opinion of the panel, the Commission *shall* request the High Representative of the Union for Foreign Affairs and Security Policy to initiate, in his/*her* capacity as appointing authority, proceedings entailing liability to disciplinary action or to payment of compensation against authorising officers by subdelegation if irregularities concern the competences of the Commission sub-delegated to them. In such a case the High Representative shall *enforce the disciplinary action and/or collect payment of compensation as recommended by the Commission.*

*This shall apply mutatis mutandis to the authorities of a Member State for seconded staff as well as temporary agents originating from its diplomatic service. The Member State of origin shall be liable for all sums not recovered within three years of a decision on liability being taken."*

## Amendment 28

### Proposal for a regulation – amending act

#### Article 1 – point 12

Regulation (EC, Euratom) No 1605/2002

Article 85 - paragraph 1 a (new)

*Text proposed by the Commission*

(12) In Article 85, the following *paragraphs are* added:

*"For the purposes of the internal auditing of the EEAS, Heads of Union Delegations, acting as authorising officers by subdelegation in accordance with the second paragraph of Article 51 shall be subject to the verifying powers of the internal auditor of the Commission for the financial management sub-delegated to them.*

*For reasons of coherence, efficiency and*

*Amendment*

(12) In Article 85, the following *paragraph is* added:

*"The Commission's internal auditor shall have the same responsibilities in respect of the EEAS referred to in Article 1, as he/she has in respect of Commission departments."*

*cost-effectiveness, the internal auditor of the Commission shall also act as the internal auditor of the EEAS in respect of the budget implementation of the EEAS section of the budget."*

#### **Amendment 29**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 12 a (new)**

Regulation (EC, Euratom) No 1605/2002

Article 126 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(12a) In Article 126(1), the following point is added:*

*"(ca) the statement of changes in capital presenting in detail the increases and decreases during the year in each pension scheme mentioned in the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities."*

#### **Amendment 30**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 12 b (new)**

Regulation (EC, Euratom) No 1605/2002

Article 146 – paragraph 3

*Text proposed by the Commission*

*Amendment*

*(12b) In Article 146, paragraph 3 is replaced by the following:*

*"3. The institutions of the Union as defined in Article 1(2) shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 319 of the Treaty on the Functioning of the European Union."*

#### **Amendment 31**

**Proposal for a regulation – amending act**  
**Article 1 – point 12 c (new)**  
Regulation (EC, Euratom) No 1605/2002  
Article 147 a (new)

*Text proposed by the Commission*

*Amendment*

**(12c) The following Article is inserted:**

**“Article 147a**

***The EEAS shall be fully subject to the procedures provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation. The EEAS shall fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, the additional necessary information, including through attendance in meetings of the relevant bodies.”***

### **Amendment 32**

**Proposal for a regulation – amending act**  
**Article 1 – point 14**  
Regulation (EC, Euratom) No 1605/2002  
Article 165

*Text proposed by the Commission*

*Amendment*

"The implementation of actions by beneficiary third countries or international organisations is subject to scrutiny by the Commission ***pursuant to Article 53a.***"

"The implementation of actions by beneficiary third countries or international organisations is subject to scrutiny by the Commission."

### **Amendment 33**

**Proposal for a regulation – amending act**  
**Article 1 – point 15**  
Regulation (EC, Euratom) No 1605/2002  
Article 185 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**(15) In Article 185, paragraph 3 is replaced by the following:**

***deleted***

***"3. The Commission's internal auditor shall exercise the same powers over the bodies referred to in paragraph 1 as***

*he/she does in respect of Commission departments or Union Delegations."*