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**A7-0233/2014**

21.3.2014

# REPORT

on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2012  
(C7-0320/2013 – 2013/2232(DEC))

Committee on Budgetary Control

Rapporteur: Petri Sarvamaa

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2012 (C7-0320/2013 – 2013/2232(DEC))

*The European Parliament,*

- having regard to the final annual accounts of the European Fisheries Control Agency for the financial year 2012,
- having regard to the Court of Auditors' report on the annual accounts of the European Fisheries Control Agency for the financial year 2012, together with the Agency's replies<sup>1</sup>,
- having regard to the Council's recommendation of 18 February 2014 (05849/2014 - C7-0054/2014),
- 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 Communities<sup>2</sup>, and in particular Article 185 thereof,
- 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 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a European Fisheries Control Agency<sup>4</sup>, and in particular Article 36 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 Communities<sup>5</sup>,
- 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 Council<sup>6</sup>, and in particular Article 108 thereof,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,

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<sup>1</sup> OJ C 365, 13.12.2013, p. 113.

<sup>2</sup> OJ L 248, 16.9.2002, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 128, 21.5.2005, p. 1.

<sup>5</sup> OJ L 357, 31.12.2002, p. 72.

<sup>6</sup> OJ L 328, 7.12.2013, p. 42.

- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Fisheries (A7-0233/2014),
- 1. Grants the Executive Director of the European Fisheries Control Agency discharge in respect of the implementation of the Agency's budget for the financial year 2012;
- 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 Fisheries Control Agency, 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 the closure of the accounts of the European Fisheries Control Agency for the financial year 2012 (C7-0320/2013 – 2013/2232(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Fisheries Control Agency for the financial year 2012,
- having regard to the Court of Auditors' report on the annual accounts of the European Fisheries Control Agency for the financial year 2012, together with the Agency's replies<sup>1</sup>,
- having regard to the Council's recommendation of 18 February 2014 (05849/2014 - C7-0054/2014),
- 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 Communities<sup>2</sup>, and in particular Article 185 thereof,
- 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 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a European Fisheries Control Agency<sup>4</sup>, and in particular Article 36 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 Communities<sup>5</sup>,
- 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 Council<sup>6</sup>, and in particular Article 108 thereof,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,

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<sup>1</sup> OJ C 365, 13.12.2013, p. 113.

<sup>2</sup> OJ L 248, 16.9.2002, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 128, 21.5.2005, p. 1.

<sup>5</sup> OJ L 357, 31.12.2002, p. 72.

<sup>6</sup> OJ L 328, 7.12.2013, p. 42.

- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Fisheries (A7-0233/2014),
- 1. Approves the closure of the accounts of the European Fisheries Control Agency for the financial year 2012;
- 2. Instructs its President to forward this Decision to the Executive Director of the European Fisheries Control Agency, 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 its Decision on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2012**

**(C7-0320/2013 – 2013/2232(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Fisheries Control Agency for the financial year 2012,
- having regard to the Court of Auditors' report on the annual accounts of the European Fisheries Control Agency for the financial year 2012, together with the Agency's replies<sup>1</sup>,
- having regard to the Council's recommendation of 18 February 2014 (05849/2014 - C7-0054/2014),
- 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 Communities<sup>2</sup>, and in particular Article 185 thereof,
- 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 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a European Fisheries Control Agency<sup>4</sup>, and in particular Article 36 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 Communities<sup>5</sup>,
- 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 Council<sup>6</sup>, and in particular Article 108 thereof,

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<sup>1</sup> OJ C 365, 13.12.2013, p. 113.

<sup>2</sup> OJ L 248, 16.9.2002, p. 1.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 128, 21.5.2005, p. 1.

<sup>5</sup> OJ L 357, 31.12.2002, p. 72.

<sup>6</sup> OJ L 328, 7.12.2013, p. 42.

- having regard to its previous discharge decisions and resolutions,
  - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Fisheries (A7-0233/2014),
- A. whereas according to its financial statements, the final budget of the European Fisheries Control Agency ("the Agency") for the financial year 2012 was EUR 9 216 900, representing a decrease of 28,27 % compared to 2011,
- B. whereas according to its financial statements, the initial contribution of the Union to the Agency's budget for 2012 amounted to EUR 10 216 900, representing a decrease of 13,78 % compared to 2011,
- C. whereas the Court of Auditors has stated that it has obtained reasonable assurances that the Agency's annual accounts for the financial year 2012 are reliable and that the underlying transactions are legal and regular,
1. Acknowledges the importance of the tasks carried out by the Agency; commends the Agency for its effectiveness in carrying out its tasks;
  2. Emphasises the importance of the Agency's role in the adoption and implementation of the reform of the common fisheries policy (CFP); stresses its significant contribution to the implementation of the CFP's ambitious objectives, particularly in light of the increased demands in terms of the monitoring, control and surveillance of fishing activity; stresses the future importance of control underpinned by a large budget geared to supporting the additional financial effort for this field; expresses its readiness, which it shares with the Agency, to ensure that this type of activity is suitably coordinated and structured in all the Member States;
  3. Points out that the policy objectives of the reform of the CFP mean that control will play a pivotal role in the future and that it is therefore important to boost the financial and human resources available to the Agency in the coming years and to guarantee that the amounts entered in future budgets match the growing requirements in relation to the control and surveillance of fishing activity advocated in the reformed CFP;

***Follow-up of 2011 discharge***

4. Acknowledges from the Agency that:
  - the Agency has improved procurement procedures by means of systematic documenting and filing of contract value estimations and by maintaining selection criteria as specific as possible; notes that it has also established and implemented the procedure for intangible assets,



- the Agency's vacancy notices now include information on the appeal process and that the Agency has also made the necessary changes to the documentation of the meetings of the Selection Board;

### ***Budget and financial management***

5. Notes that budget monitoring efforts during the financial year 2012 resulted in a budget implementation rate of 96 % and that the payment appropriations execution rate was 83 %;

### ***Commitments and carryovers***

6. Acknowledges that the level of committed appropriations for the different titles varied between 94 % and 99 % of total appropriations, indicating that legal commitments were signed in a timely manner;
7. Notes, however, that the level of committed appropriations carried over to 2013 was high for title II (administrative expenditure) at 35 % and title III (operating expenditure) at 46 %; acknowledges that for title II, this was caused, to a large extent, by events beyond the Agency's control, such as the late invoicing of the 2012 office rental costs by the Spanish authorities; notes, moreover, that in order to meet the increased operational needs it was faced with in the last quarter of 2012, the Agency ordered a high volume of goods and services for which delivery was still pending by the end of the year; acknowledges that for title III, an important reason for the high level of carry-overs was the considerable workload faced by the agency as a result of the large number of IT projects that were either launched or ongoing in 2012 and this workload had an impact on the timeliness of procurement procedures in the case of two IT projects launched in 2012; acknowledges, furthermore, that expenses related to training and missions undertaken by staff and experts in the last quarter of 2012 were only due for reimbursement at the beginning of 2013;

### ***Transfers***

8. Notes with satisfaction that according to the annual activity report, as well as the Court of Auditors' audit findings, the level and nature of transfers in 2012 have remained within the limits of the financial rules and commends the Agency for its good budgetary planning;

### ***Procurement and recruitment procedures***

9. Acknowledges that in response to the Court of Auditors' 2011 report, the Agency took corrective action in June 2012 to improve the transparency of recruitment procedures; notes that in 2012, the Court of Auditors identified weaknesses related to three audited recruitment procedures that were initiated prior to the Court's 2011 report, namely that vacancy notices did not provide information to the candidates on complaint and appeal

procedures, that candidates were given a global score instead of one score for each of the selection criteria and that there was no evidence that the questions for interviews and written tests had been set before the date of the examinations; welcomes the fact that the recommendations issued by the Court of Auditors have all been implemented;

### ***Prevention and management of conflicts of interests and transparency***

10. Acknowledges that the Agency will assess its policy on the prevention and management of conflicts of interests on the basis of the Commission's Guidelines on the Prevention and Management of Conflicts of Interests in EU Decentralised Agencies; calls on the Agency to inform the discharge authority of the assessment results once available;
11. Observes that the CVs and declaration of interests of the members of the Administrative and Advisory Boards, as well as the declarations of interests of the Executive Director and senior management are not publicly available; calls on the Agency to remedy the situation as a matter of urgency;

### ***Internal audit***

12. Acknowledges from the Agency that there are no open 'critical' or 'very important' recommendations stemming from the previous Internal Audit Service (IAS) reports, and that the follow-up by the IAS of the recommendations issued in the context of the IAS audit of "Capacity Building" in 2011 allowed the IAS to conclude that the recommendations had been adequately implemented;
13. Acknowledges from the Agency that in 2012, it continued fine tuning its key performance indicators (KPIs), and its Annual Report for 2012 contains detailed KPIs for operational activities; notes that the Agency's Internal Audit Capability (IAC) conducted a limited audit on human resources activities, resulting in some recommendations and that the Agency has taken actions to remedy those identified shortcomings; is satisfied that the IAC also concluded an audit focusing on payment cycle (leading to no critical or very important recommendations) and performed a full review of the implementation of internal control standards within the Agency;

### ***Performance***

14. Requests that the Agency communicate the results and impact its work has on European citizens in an accessible way, mainly through its website;

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15. Refers, in respect of the other observations accompanying its Decision on discharge,

which are of a horizontal nature, to its resolution of ... 2014<sup>1</sup> on the performance, financial management and control of the agencies.

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<sup>1</sup> Texts adopted, P7\_TA-PROV(2014)...

23.1.2014

## **OPINION OF THE COMMITTEE ON FISHERIES**

for the Committee on Budgetary Control

on the discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2012  
(C7-0320/2013 - 2013/2232(DEC))

Rapporteur: Gabriel Mato Adrover

### **SUGGESTIONS**

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

1. Acknowledges the importance of the tasks carried out by the European Fisheries Control Agency (EFCA); commends it for its effectiveness in carrying out its tasks;
2. Highlights the importance of EFCA's role in the adoption and implementation of the reform of the common fisheries policy (CFP); stresses its significant contribution to implementing the CFP's ambitious objectives, particularly in the light of the increased demands in terms of monitoring, control and surveillance of fishing activity; stresses the future importance of control underpinned by a large budget geared to supporting the additional financial effort for this field; expresses its readiness, which it shares with EFCA, to ensure that this type of activity is suitably coordinated and structured in all the Member States;
3. Points out that the policy objectives of the reform of the CFP mean that control will play a pivotal role in the future and it is therefore important to boost the financial and human resources available to EFCA in the coming years and guarantee that the amounts entered in future budgets match the growing requirements in relation to the control and surveillance of fishing activity advocated in the reformed CFP;
4. Takes note of the annual report of the Court of Auditors on EFCA for the financial year 2012 and the Agency's annual activity report;
5. Expresses its satisfaction that the Court of Auditors has declared the transactions underlying the annual accounts for the financial year 2012 to be legal and regular;

6. Stresses the excellent implementation of commitment appropriations (95.98%) and the good implementation of payment appropriations (83.27%); encourages the Agency to continue its efforts to ensure optimum use of the appropriations allocated;
7. Notes the efforts made by EFCA to improve its procedures, particularly in relation to procurement and recruitment procedures; welcomes the fact that the recommendations issued by the Court of Auditors have all been implemented;
8. Proposes to grant the Executive Director of the European Fisheries Control Agency discharge for the implementation of the Agency's budget for the financial year 2012.



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	22.1.2014
<b>Result of final vote</b>	+: 18 -: 1 0: 0
<b>Members present for the final vote</b>	John Stuart Agnew, Antonello Antinoro, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Jarosław Leszek Wałęsa
<b>Substitute(s) present for the final vote</b>	Izaskun Bilbao Barandica, Ole Christensen, Jens Nilsson

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	17.3.2014
<b>Result of final vote</b>	+: 17 -: 1 0: 1
<b>Members present for the final vote</b>	Marta Andreasen, Jean-Pierre Audy, Zuzana Brzobohatá, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Rina Ronja Kari, Monica Luisa Macovei, Jan Mulder, Eva Ortiz Vilella, Paul Rübig, Petri Sarvamaa, Bart Staes, Georgios Stavrakakis, Derek Vaughan
<b>Substitute(s) present for the final vote</b>	Amelia Andersdotter, Markus Pieper
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Thomas Ulmer