



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Constitutional Affairs

2010/0054(COD)

7.9.2010

OPINION

of the Committee on Constitutional Affairs

for the Committee on Budgets

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC, Euratom) n° 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, as regards the European External Action Service.
(COM(2010)0085 – C7-0086/2010 – 2010/0054(COD))

Rapporteur: Guy Verhofstadt

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AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Budgets, as the committee responsible, to incorporate the following amendments in its report:

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.***

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 Service¹***, the EEAS is a service of a sui generis nature and ***is to*** 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 must fully respect 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 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 complexity of this structure, rigorous provisions on traceability and budgetary and financial accountability need to be applied.***

Amendment 4

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

Amendment

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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 5

Proposal for a regulation – amending act Recital 10

Text proposed by the Commission

(10) In order to ensure coherence, efficiency and cost-effectiveness of financial control, the internal auditor of the Commission should act as the internal auditor of the EEAS in respect of the budget implementation of both the Commission and the EEAS sections of the Budget.

Amendment 6

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

Text proposed by the Commission

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 *section* of the Budget.

Amendment

(10) In order to ensure coherence, efficiency and cost-effectiveness of financial control, the internal auditor of the Commission should act as the internal auditor of the EEAS in respect of the budget implementation of both the Commission and the EEAS sections of the Budget. ***The European Parliament fully supports this and calls on the High Representative/Vice President of the Commission to come forward with a proposal on this issue.***

(10a) 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 7

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) After the first paragraph of Article 31, the following paragraph is inserted:

"The European External Action Service shall draw up an estimate of its revenue and expenditure and shall send this to the Commission before 1 July each year. The High Representative/Vice President of the Commission shall hold consultations with, respectively, the Commissioner for Development Policy and the Commissioner for Neighbourhood Policy regarding their respective responsibility."

Justification

The text reproduces faithfully the agreement reached in Madrid and voted on in plenary.

Amendment 8

Proposal for a regulation – amending act

Article 1 – point 4 b (new)

Regulation (EC, Euratom) No 1605/2002

Article 41 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(4b) In Article 41(1), the following subparagraph is added:

"In order to ensure budgetary transparency in the area of external action of the Union, the Commission shall transmit to the budgetary authority, together with the draft EU budget, a working document presenting, in a comprehensive way, all expenditure related to the external actions of the Union."

Justification

The text reproduces faithfully the agreement reached in Madrid and voted on in plenary.

Amendment 9

Proposal for a regulation – amending act

Article 1 – point 4 c (new)

Regulation (EC, Euratom) No 1605/2002

Article 46 – paragraph 1 – point 3 – point a – paragraphs 1 a to 1 d (new)

Text proposed by the Commission

Amendment

(4c) In point (3)(a) of Article 46(1), the following paragraphs are added:

"The establishment plan for the EEAS section of the budget shall set 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.

The establishment plan shall show any increase or reduction of posts by grade and category in the EEAS's central administration and the entirety of the Union's Delegations based on the preceding year.

The establishment plan shall also show, next to 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 coming from the Member States and by Council and Commission staff.

The budgetary authority shall be informed of the number of posts for each grade, in each category and in each of the Union's Delegations as well as the EEAS's central administration. This information shall be presented as an annex to the establishment plan for the EEAS section of the budget."

Justification

The text reproduces faithfully the agreement reached in Madrid and voted on in plenary.

Amendment 10

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC, Euratom) No 1605/2002

Article 50 – paragraph 1

Text proposed by the Commission

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

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Amendment 11

Proposal for a regulation – amending act

Article 1 – point 5 a (new)

Regulation (EC, Euratom) No 1605/2002

Article 50 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(5a) In Article 50, the following paragraph is inserted after the first paragraph:

"Within the EEAS a Director-General for budget and administration shall be responsible to the High Representative/Vice President of the Commission for the administrative and internal budgetary management of the EEAS. He shall follow the same budget lines and administrative rules as are applicable in the Part of Section III of the EU budget which falls under Heading V of the multiannual financial framework."

Justification

The text reproduces faithfully the agreement reached in Madrid and voted on in plenary.

Amendment 12

Proposal for a regulation – amending act

Article 1 – point 9

Regulation (EC, Euratom) No 1605/2002

Article 60 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Commission shall ensure that sub-delegating powers do not impede the discharge procedure in the European Parliament, where the Commission assumes the full responsibility for the operating budget of the EEAS.

Amendment 13

Proposal for a regulation – amending act

Article 1 – point 11 – point b

Regulation (EC, Euratom) No 1605/2002

Article 66 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

This shall apply mutatis mutandis to the authorities of a Member State in respect of staff coming from the diplomatic services of the Member States. The Member State of origin shall be liable for all sums not recovered within three years after a decision on liability has been taken.

Justification

The text reproduces faithfully the agreement reached in Madrid and voted on in plenary.

PROCEDURE

Title	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		
References	COM(2010)0085 – C7-0086/2010 – 2010/0054(COD)		
Committee responsible	BUDG		
Opinion by Date announced in plenary	AFCO 21.4.2010		
Rapporteur Date appointed	Guy Verhofstadt 3.5.2010		
Discussed in committee	17.5.2010	2.6.2010	14.6.2010
Date adopted	6.9.2010		
Result of final vote	+: -: 0:	21 0 0	
Members present for the final vote	Carlo Casini, Andrew Duff, Matthias Groote, Roberto Gualtieri, Zita Gurmai, Gerald Häfner, Stanimir Ilchev, Ramón Jáuregui Atondo, Constance Le Grip, David Martin, Paulo Rangel, Algirdas Saudargas, György Schöpflin, József Szájer, Søren Bo Søndergaard, Indrek Tarand, Rafał Trzaskowski, Guy Verhofstadt		
Substitute(s) present for the final vote	Enrique Guerrero Salom, Íñigo Méndez de Vigo, Vital Moreira, Helmut Scholz		