

2009 discharge: EU general budget, Economic and Social Committee

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The Committee on Budgetary Control adopted the report by Crescenzo RIVELLINI (EPP, IT) recommending the European Parliament to grant the Secretary-General of the European Economic and Social Committee discharge in respect of the implementation of its budget for the financial year 2009.

The committee cites that in 2009 the European Economic and Social Committee (EESC) had commitment appropriations available amounting to a total of **EUR 122 million** (2008: EUR 118 million), with a utilisation rate of 98.02%, higher than the average of the other institutions (97.69%).

Internal malfunctioning of the EESC's Secretariat-General: Members notes with concern the allegations in relation to management within the EESC, which have led to a sanctioned case of internal complaint (whistleblowing). They also note that, on 11 March 2011, the European Anti-Fraud Office (OLAF) decided to open an investigation, and request the EESC and OLAF to report to the discharge authority on the progress and outcome of the case. Members consider that the allegations presented to OLAF clearly affect the reputation of the Union as they refer to the internal functioning of one its institutions, the EESC, and relate to a **serious malfunctioning by its secretariat**. They consider, furthermore, that the identified disruption practices are not limited to a single action, but may represent continuous irregularities that constitute an alleged case of maladministration;

These allegations relate primarily, but not exclusively, to the following:

- irregularities that cause pecuniary damage to the Union,
- irregularities in appointments of senior officials, in disciplinary proceedings, as well as the usurpation of the competences of the EESC Bureau,
- violation of the independence of the legal service of the EESC,
- violation of the obligation under Union law to inform OLAF,
- violation of the duty of transparency,
- infringement of Article 22a(3) of the Staff Regulations of Officials of the European Union which provides that officials shall not suffer any prejudicial effects from the institution as a result of having communicated information on irregularities, provided that they acted reasonably and honestly.

Members, therefore, call on the EESC and, in particular, on its Secretary General, to cooperate fully with OLAF and to provide all necessary assistance to OLAF agents to carry out their investigation. They also request the EESC and in particular its Secretary-General to report to Parliament's committee responsible for the discharge procedure on:

- the disciplinary proceedings conducted by the EESC and the economic consequences thereof, and in particular the disciplinary case No 2/2007,
- the staff policy on promotion of staff to management positions,
- the conflicts as regards the independence of the legal service of the EESC,
- the access of members of the EESC and members of its Bureau to all the information required, the state of the procedure and results of internal audits carried out by the EESC.

Members also call on the Ombudsman to inform Parliament's committee responsible for the discharge procedure, as soon as possible, of the results of its investigations, in particular with regard to the

irregularities concerning the staff promotion procedure, since the Ombudsman has been requested to act in this specific case.

Audit of the EESC: Members note that the annual report of the Court of Auditors did not give rise to any significant observations as regards the EESC. They, nevertheless, call on the Court to confirm whether the audits of the 2009 reports found any evidence of irregularities that have already been the subject of disciplinary case No 2/2007.

As regards the rest, Members note:

- the further, minor increase in the number of permanent posts allocated to the EESC, and that the posts are consistently filled;
- the implementation of the Administrative Cooperation Agreement between the EESC and the Committee of the Regions (CoR) for the period 2008 to 2014;
- the efforts in the area of interinstitutional cooperation, in particular, the ongoing introduction of the staff management system 'Sysper2'.

Members reconfirm their position that declarations of financial interests of members of all Union institutions should be accessible on the Internet via a public register and request that the EESC take steps to make public the relevant information, and to follow up this issue in its Annual Activity Report.