2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 16/09/2010 - Court of Auditors: opinion, report

PURPOSE: presentation by the Court of Auditors of its report on the annual accounts of the Euratom Supply Agency (ESA).

CONTENT: in accordance with the tasks and objectives conferred on it by the Treaty on the Functioning of the European Union (TFEU), the Court of Auditors, in the context of the discharge procedure, addresses to the European Parliament and the Council a Statement of Assurance on the reliability of the annual accounts, as well as of the legality and regularity of the transactions underlying them of each EU institution, body or agency, on the basis of an external, independent audit.

This audit also covered the annual accounts of the Euratom Agency (ESA).

In the Court's opinion, **the Agency's annual accounts presented "fairly, in all material respects", its financial position as of 31 December 2009** and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also stated that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2009 were, "in all material respects, **legal and regular**".

The report also included comments on the Agency's budgetary and financial management, together with the Agency's replies. The main comments are as follows:

The Court's comments:

- The issue of the financial independence of the Agency: the provisions of Article 54 of the Treaty establishing the European Atomic Energy Community provides for the Agency's financial autonomy. In fact, the Agency has not, since 2008, received a budget. In those circumstances, the European Commission has directly discharged the Agency's expenses. In the Court's view, this situation is at odds with the Statutes of the Agency

The Agency's reply: the present situation reflects the necessary balance in accordance with the Euratom Treaty between: i) the clear relationship with the European Commission (e.g. the Commission may issue directives and appoints the Director-General of the Agency), and ii) a level of legal and financial autonomy (e.g. the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure the policy of diversification of the sources of supply). This provides for initiatives that will reinforce the effectiveness and efficiency of the activities of the Agency. The Agency will consider the most appropriate measures to take into account the Court's comments.