2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(DEC) - 12/04/2012 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Monica Luisa MACOVEI (EPP, RO) on discharge to be granted to the Executive Director of the European Network and Information Security Agency discharge in respect of the implementation of the Agency's budget for the financial year 2010.

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the annual accounts of the European Network and Information Security Agency for the financial year 2010 are reliable and that the underlying transactions are legal and regular, Members approve the closure of the Agency's accounts. However, they make a number of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the draft resolution on performance, financial management and control of EU agencies:

- **Budget and Financial Management**: Members recall that the payments reached the level of 76.46 % of the total appropriations managed, compared with 75.67 % in 2009 and that EUR 1 987 011 of the commitment appropriations contracted by the end of 2010 but not yet paid were carried forward to 2011. Members are also concerned that, once again, the Court of Auditors reported 52 % of carryovers from the Agency's operational budget and they are concerned that this situation indicates delays in the implementation of the Agency's activities. They urge the Agency to inform the discharge authority of the action taken by the Agency to address this deficiency;
- **Refund from the tax authorities of the host Member State**: Members note, once more, with disappointment, that there has been no progress on the previous year concerning the refund of EUR 45 000, which is the amount of VAT paid in advance by the Agency to the tax authorities of the host Member State. They urge the Agency, therefore, to inform the discharge authority when this refund is made by the host Member State;
- **Human Resources (HR)**: Members are concerned that, once again, the deficiencies in staff selection procedures still remain and put at risk the transparency of the procedures (the Court of Auditors reported that neither the thresholds that candidates were required to meet in order to be invited to interview nor those standards necessary in order for them to be put on the reserve list were fixed in advance by the selection boards). They urge, therefore, the Agency to address this situation and that the discharge authority should no longer accept a recurrence of this deficiency.
- Members are concerned by the fact that while the Agency has been found blameworthy by the European Data Protection Supervisor (EDPS) for breaching Regulation (EC) No 45/20011 on several occasions to the detriment of its staff, it not only did not comply with the EDPS' recommendation but moreover sued the EDPS in respect of his conclusions. They urge the Executive Director to make sure that the Agency immediately complies with the EDPS' recommendation. They call on the Court of Auditors to confirm to the discharge authority the following priorities were effectively implemented: recurrent resource planning (Staff Policy Plan); affirmative measurable measures for staff retention.
- **Internal Audit**: Members note that the Agency has an enhanced risk in its planning, accounting, budget execution, IT development and management, business continuity, stakeholder relations, external communication, and impact assessment and evaluation. They urge the Agency, therefore, to promptly establish the necessary measures to reduce the risks in the above-mentioned subjects and to take account of the IAS recommendations.