1993 discharge: clearance of accounts EAGGF-Guarantee

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The European Parliament adopted its decision granting discharge to the Commission in respect of the decisions on clearance of accounts of the Guarantee Section of the EAGGF for the 1993, 1994 and 1995 financial years. It also adopted a resolution containing the comments accompanying the decision of the discharge. Parliament's Rapporteur was Mr. Jan Mulder (ELDR, NL). The Parliament grants discharge to the Commission, subject to the receipt of further information concerning the Fléchard case, the export refund scheme and the operation of the common organisation of markets for flax and hemp, in respect of the clearance of the accounts for the 1993, 1994 and 1995 financial years. The Parliament is concerned at the consistently high levels of financial corrections and sees in these annual figures confirmation that major problems within national payment and control systems have not been addressed with sufficient urgency, rigour and determination by Member States. it welcomes efforts made by the Commission to propose fraud-proof legislation and, whilst urging the Commission to continue along this path, calls upon Council, together with Parliament, to asume proper responsibility for preventing irregularities through fraud-proof legislation. The EP calls upon the Court of Auditors to work with the Commission, Member States certifying bodies and payment agencies to explore the feasibility of drawing up a separate Declaration of Assurance for the EAGGF and its respective sectors, and to report back to Parliament as soon as possible. It also calls for the Integrated Administration and Control System to be fully operational in all Member States before April 2002, after which date the Commission whould revert to maximum financial corrections if controls are breached. Parliament calls for the clearance of accounts system to be extended to include the Guidance Section of the EAGGF, as the clearance of accounts could prove a useful instrument for monitoring and preventing irregularities in other areas of expenditure such as the Structural Funds. With respect to the Commission's responsibility in implementing the budget, it welcomes the introduction of a central work plan based on risk analysis and, noting that export refunds are included in each work programme, calls upon the Commission and Court of Auditors to put increased emphasis on the control of rural development measures. The EP calls on the Commission to: - take all the necessary steps to comply fully, with no further delays, with its obligations under Article 274, namely by creating a common database on all final beneficiaries as the Court of Auditors has repeatedly demanded; - investigate the legal possibility of penalties being applied, should infringements be recurrent or structural, as, under current legislation, only the Court of Justice has the power to sanction a Member State, and to report to Parliament as soon as possible; - report on the action it takes on the recommendations made by the Court of Auditors. In connection with their responsibility, Member States are called upon to: - place suitable importance on attracting and retaining staff for agencies involved in administering payments and exercising controls; - supply the Commission with all necessary information from the outset in order to prevent the clearance procedure from being prolonged and distorted; - improve coordination in between administrations operating within a country, to strengthen the prevention, detection and prosecution of fraud or irregularities and to cooperate fully and unconditionally with OLAF. On the matter of the Conciliation Body, the Parliament welcomes the Commission's evaluation of it, looks forward to receiving a comprehensive appraisal from the Court of Auditors and will address this as part of the discharge procedure for the clearance of accounts for the 1996 financial year. The Parliament is alarmed that statistics relating to amounts to be recovered following cases of fraud and other irregularities show that, out of a total of EUR 7 559 million in irregularities notified by Member States between 1972 and 1998, EUR 1 747 million has yet to be recovered, with paying agencies in Italy, Germany and Spain accounting for 84% of this total. It urges the Commission and OLAF to take a clearance of accounts decision to charge either the Member State concerned if it has not met all its obligations or the EAGGF if recovery proves impossible. It also calls on the Commission's Legal Services to consider the possibility of forcing Member States to pay penalties if delays in the recovery of debts are excessive.