2004 discharge: Eurojust

2005/2115(DEC) - 05/10/2005 - Court of Auditors: opinion, report

This report from the Court of Auditors concerns the annual accounts of Eurojust for the financial year ended 31 December 2004.

The Court states that Eurojust's accounts for the financial year 2004 are, in all material respects, reliable and the transactions underlying Eurojust's annual accounts, taken as a whole, are legal and regular.

The report shows that the appropriations entered in the final budget amount to EUR 9 300 000with EUR 9 144 000committed and EUR 8 276 000 paid. EUR 868 000 was carried over to 2005, and EUR 156 000 cancelled. The outstanding commitments carried over from the previous financial year were EUR 1 263 000.

The Court makes the following observations:

In 2004, Eurojust still did not have its own financial regulation and, in these circumstances, continued to apply the framework financial regulation for Community bodies. The last amending budget adopted by the College of Eurojust forecast revenue and expenditure of EUR 8,3 million. In practice, Eurojust implemented a budget of EUR 9,3 million, which was neither formally adopted by the College nor published in the Official Journal, and hence contravened the provisions in force.

A member of staff who was appointed as the accounting officer on the departure of the titular accounting officer retained his role as the authorising officer by delegation. Since May 2004 he has been carrying out, at the same time and for the same expenditure, the duties of the authorising officer and the accounting officer. In this instance, the Court must point out the fundamental nature of the principle of the segregation of the duties of authorising officer and accounting officer and asks Eurojust to take the utmost care to ensure that this principle is adhered to.

Eurojust responds point by point to the Court's observations:

- it awaits the Commission's prior consent before adopting its own financial regulation in accordance with Article 37(1) of the Eurojust decision;

- it tried to follow as closely as possible the structure given in the European Parliament decision concerning its budget. As a consequence, Eurojust presented for formal adoption to the College a budget decision covering the budget concerning EU 15 and informing it of a further increase of one million euros due to the enlargement and informing it where these appropriations would be allocated once released. In the future, Eurojust will ensure it presents as complete a budget as possible to the College.

- as regards the member of staff, the situation referred to began in June 2004 when the accountant resigned unexpectedly. At this time, no reserve list existed and the only statutory member of staff with the necessary experience to assume the responsibilities of the accountant was the authorising in question. It should be noted however that the risk due to this 'force majeure' situation has been reduced by limiting the capacity to act as authorising officer to transactions of up to EUR 1 000. In the meantime, Eurojust has successfully completed a recruitment procedure for an accountant. It recognises

the importance of the segregation of duties and will avoid such a situation arising in future.