Basic information

1998/2169(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Recasting of financial regulation **Subject** 8.70.02 Financial regulations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
BUDG Budgets	DELL'ALBA Gianfranco (ARE)	18/05/1998

Committee for opinion	Rapporteur for opinion	Appointed
CONT Budgetary Control	SARLIS Pavlos (PPE)	20/01/1999

Council of the European Union

Key events

Date	Event	Reference	Summary
22/07/1998	Non-legislative basic document published	SEC(1998)1228	Summary
11/01/1999	Committee referral announced in Parliament		
18/03/1999	Vote in committee		
18/03/1999	Committee report tabled for plenary	A4-0140/1999	
23/03/1999	End of procedure in Parliament		
22/06/1999	Final act published in Official Journal		

Technical information

Procedure reference	1998/2169(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed

Committee dossier	BUDG/4/10381

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0140/1999 OJ C 177 22.06.1999, p. 0003	18/03/1999	
Text adopted by Parliament, single reading		T4-0206/1999 OJ C 177 22.06.1999, p. 0009-0015	23/03/1999	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(1998)1228	22/07/1998	Summary

Recasting of financial regulation

1998/2169(COS) - 23/03/1999 - Text adopted by Parliament, single reading

The Parliament adopted a resolution drafted by Gianfranco Dell'Alba (ERA, I) calling for an overhaul of the financial regulation to improve procedures to combat fraud. The Parliament accepts the Commission's suggestion to reorganise the present Regulation into two parts (general provisions and special provisions relating to specific sectors). It proposes that there shopuld be consideration pf the scope for taking account, within the purview of the Regulation, of certain elements of 'soft law' constituted by the inter-institutional agreements and, in particular, the content of Article 17 of the 1993 IIA, which presumes agreement on the MRI if the financial perspective ceilings are complied with. It affirms its intention of stating in more detail the Commission's obligations to provide the budgetary authority with information, given the serious shortcomings which emerged in the discharge procedure for 1996 and in the light of the powers available to the Court of Auditors with regard to access to documents. It takes the view that an IIA on the application of Art. 206(2) of the Treaty (future Art. 276) should establish a procedure of the kind that governs Parliament's right of inquiry, so as to ensure the confidentiality of any information that is forwarded, appearances by officials or other agents who have been summoned, etc. and thus create a climate of trust between the discharge authority and the authority being inspected. It stresses that its own procedures have hitherto enabled it to ensure that the principles which guarantee the protection of human rights and fundamental freedoms are complied with, particularly in the context of discharge, but considers that these provisions should be codified and adapted. It calls for the Financial Regulation to enshrine as soon as possible the recommendations which the high level group proposed by the Presidency-in-Office of the Council, comprising the representatives of the three institutions, may be led to make with a view to creating a new anti-fraud agency independent of the Commission. It supports the Commission's position in favour of applying the Financial Regulation and Art. 205 of the Treaty (future Art. 274) to expenditure relating to the activities coming under the second and third pillars where they are borne by the Community budget; it also restates its call for activities such as the Schengen Information System, the Eurodac system and EUROPOL itself to be included in the budget. It calls for specific proposals from the Commission on the budgetisation of the activities currently financed outside the budget, such as the various European funds (in particular the Guarantee Fund for External Actions), borrowing and lending operations, the decentralised agencies, and the EDF. It proposes, if certain activities cannot yet be fully budgetised, that a series of principles be specified, such as the Parliament's involvement in the Commission's annual forecasting exercise, inclusion of the operations in the regular budget implementation reports, the applicability of the Financial Regulation to the activities concerned and the power of the Commission and the Court of Auditors to carry out the necessary checks. It opposes the Commission's suggestion to treat negative expenditure in the agricultural sector as re-use ofappropriations or as earmarked revenue, and advocates that such amounts should, instead, be regarded as revenue belonging to the Community budget. It proposes that there should be consideration of the scope for creating earmarked reserves, where a transfer would not take place until payments had become necessary. It presses for a number of clarifications concerning the new system of ex post or spot check financial control introduced by the seventh series of amendments, under which the Financial Controller no longer necessarily gives prior approval to commitments; it calls in this connection for the ex post establishment of irregularities to have serious consequences (recovery of expenditure, disciplinary procedure). It calls on the Commission to propose provisions which : - endow the rules governiong commitments with the regulatory clarity required by the Court of Auditors; - establish a coherent system defining the powers of those involved in budget transactions, recalling, in this connection, the Court of Auditors' proposals for authorising officers to be made responsible for the proper functioning of such a system; - increase the dependence of future decisions on the outcome of evaluations; - incorporate within the Financial Regulation the provisions which will govern causes, cases and consequences of conflicts of interest; it calls for those provisions to be such as to relate not only to players in the budgetary procedure but also to administrative staff, be they employed on a statutory or any other basis, and to any persons who may exert influence on the budgetary and administrative procedures, including Members of the Commission in the appropriate legal context.

Recasting of financial regulation

1998/2169(COS) - 22/07/1998 - Non-legislative basic document

PURPOSE: This Commission working document relates to the recasting of the Financial Regulation. CONTENT : The Financial Regulation of 21 December 1977 is the main instrument which lays down rules for all aspects of the budget of the EU establishment : presentation of the preliminary draft by the Commission and adoption by the budgetary authority implementation of revenue and expenditure, including rules on book-keeping and presentation of accounts definition of the role and responsibility of those involved in implementation : authorising officers for revenue and expenditure, financial controller (internal auditor), accounting officer monitoring and control of implementation including presentation of financial data, control by the Court of Auditors (outside auditor) and by the European Parliament (discharge). The Commission believes that the overhaul of the Financial Regulation should be a two-stage process. This working paper seeks to launch the broadest possible inter-institutional discussion on the recasting of the Regulation. On the basis of this discussion, the Commission is to present a formal proposal in the first quarter of 1999 for adoption by the Council under the procedure laid down in Article 209 of the Treaty, i.e. after the Court of Auditors and the European Parliament have given their opinions. The proposal for the recasting of the Financial Regulation will be one of the legislative items accompanying the new financial perspective for 2000-2006 proposed by the Commission in connection with Agenda 2000 reflecting its desire for a budgetary policy that is both transparent and rigorous. The Commission makes a distinction between the problems of substance and the problems of form posed by the Financial Regulation in its present form. The comments on matters of substance concern the following six topics : statement of principles of budgetary law; the system of appropriations and the concept of commitment; the definition of accounting principles; the rules on procurement, grants and subcontracting; a clearer definition of the role of the budget players; and management of external aid. The comments of form concern the following two topics : improvement of the presentation and clarity of the Regulation and improved co-ordination between the Financial Regulation and other instruments of financial law.