Basic information

2003/0904(CNS) CNS - Consultation procedure Regulation	Procedure lapsed or withdrawn
Executive Agencies: standard financial regulation, administrative appropriations **Subject** 8.40.08 Agencies and bodies of the EU 8.70.02 Financial regulations	

Key players

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Economic and Financial Affairs ECOFIN	2537	2003-11-04
European Commission	**Commission DG**	**Commissioner**	
	Budget		

Key events

Date	Event	Reference	Summary
11/07/2003	Legislative proposal published	SEC(2003)0803	Summary
22/09/2003	Committee referral announced in Parliament		

Technical information

Procedure reference	2003/0904(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 000
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	BUDG/5/20092

Documentation gateway

European Commission

Document type	Reference	Date	Summary
Legislative proposal	SEC(2003)0803	11/07/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	RCC0009/2003	04/12/2003	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Executive Agencies: standard financial regulation, administrative appropriations

2003/0904(CNS) - 04/12/2003 - Court of Auditors: opinion, report

In its Opinion 9/2003 on a draft Commission regulation on a standard financial regulation for the executive agencies pursuant to Council Regulation 58 /2003/EC laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes, the Court of Auditors makes several remarks which can be summarised as follows : - carrying over appropriations from one year to the next : Article 9 of the draft Commission regulation lays down the possibility of carrying over 'appropriations corresponding to obligations duly contracted at the close of the financial year'. These appropriations shall be cancelled if not committed by 31 March of the following financial year. However, according to Article 44 of the draft Commission regulation and the corresponding provisions of the general between administrative and operating expenditure, a budgetary commitment must be made before entering a legal obligation. Therefore, only committed appropriations should be carried over. Appropriations that, at the end of the financial year, have still not been used for budgetary commitments should be cancelled; - report : Articles 57 and 66 of its draft regulation the Commission sets out that the Court comments on the provisional accounts of the agency, makes an annual report and issues a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions. This is not in line with Council Regulation 58 /2003/EC which mentions a 'report by the Court of Auditors', but does not refer to any comments by the Court on provisional accounts or the issuing of a statement of assurance. According to the Court, the daft Commission regulation should not define the Court's tasks further than Council Regulation 58 /2003/EC does. The Court considers that it has no obligation to comment on provisional accounts of these bodies set up by the Community or to issue a specific annual report on each executive agency; - effectiveness of the control of Community expenditure : the Court reiterates the recommendation made in its opinion No 8/2001 and encourages the Commission to provide, where appropriate, for a prior scrutiny of the agencies' accounts before their consolidation with the accounts of the Commission.

Executive Agencies: standard financial regulation, administrative appropriations

2003/0904(CNS) - 11/07/2003 - Legislative proposal

PURPOSE : to lay down the essential rules applicable to the establishment and execution of the administrative budget of the agencies referred to in Regulation 58/2003/EC. CONTENT : Regulation 58/2003/EC laid down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes, which the Commission was charged with setting up. These executive agencies (hereinafter "the agencies") will have legal personality and their own operating budget, the implementation of which is governed by this standard financial regulation pursuant to Article 15 of Regulation 58/2003/EC. The main elements of the draft Commission Regulation are as follows: - the fundamental principles of budgetary law (unity, universality, specification and annuality), and the principles of budget accuracy, equilibrium, unit of account, sound financial management and transparency should be reaffirmed; - as far as their staff are concerned, the agencies will have to distinguish between temporary posts, which will be covered by an establishment plan submitted for approval to the budgetary authority, and appropriations allowing the remuneration of other categories of staff, recruited on renewable contracts; - as far as the financial actors are concerned, it is necessary to define the powers and responsibilities of the agency's accounting officer and authorising officer, who must be officials subject to the Staff Regulations of the Officials of the European Communities, and the conditions under which the authorising officer will be able to delegate his powers of budget implementation; - the authorising officer should be given a significant degree of management autonomy. He must be given complete freedom for transfers, subject to an obligation to inform the management board, which must be able to oppose such transfers within a time limit of fifteen days; - in accordance with

Regulation 58/2003/EC, the function of internal auditor is to be performed in the executive agencies by the internal auditor of the Commission; - for each executive agency, the timetable for drawing up the administrative budget, for presentation of the accounts and for discharge must comply with the provisions of Regulation 58/2003/EC, the general Financial Regulation and, where applicable, the EDF Financial Regulation. The discharge authority for the executive agencies' administrative budget must be the same as for the general budget or, where applicable, the EDF; - the accounting rules applied by the agencies must allow consolidation with the Commission accounts or, where applicable, with the accounts of the EDF. They must be adopted by the Commission's accounting officer by analogy with Article 133 of the general Financial Regulation or, where applicable, by the accounting officer of the EDF. The Court of Auditors will audit the agency's accounts; - each agency should have access to the panel referred to in Article 66(4) of the general Financial Regulation set up by the Commission to examine irregularities so that a similar assessment can be made of identical cases; - for their administrative budget, the agencies must meet the same requirements as the Commission for public contracts awardedon its own account. For this a reference to the general Financial Regulation will suffice.