Basic information

2004/2059(DEC) DEC - Discharge procedure	Procedure completed
2003 discharge: European Monitoring Centre on Racism and Xenophobia **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	AYALA SENDER Inés (PSE) AYALA SENDER Inés (PSE) SCHLYTER Carl (Verts /ALE)	26/07/2004 22/09/2004 22/09/2004

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DEPREZ Gérard (ALDE)	25/10/2004

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2646	2005-03-08

Key events

Date	Event	Reference	Summary
26/02/2004	Non-legislative basic document published	N6-0215/2004	Summary
10/01/2005	Committee referral announced in Parliament		
16/03/2005	Vote in committee		
16/03/2005	Additional information		Summary
23/03/2005	Committee report tabled for plenary	A6-0074/2005	
12/04/2005	Decision by Parliament	T6-0110/2005	Summary
12/04/2005	Debate in Parliament		
12/04/2005	End of procedure in Parliament		
27/07/2005	Final act published in Official Journal		

Technical information

Procedure reference	2004/2059(DEC)
Procedure type	DEC - Discharge procedure
Legal basis	Rules of Procedure EP 102
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	LIBE	PE353.261	07/02/2005	
Committee report tabled for plenary, single reading		A6-0074/2005	23/03/2005	
Text adopted by Parliament, single reading		T6-0110/2005 OJ C 033 09.02.2006, p. 0029-0280 E	12/04/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	06861/2005	08/03/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
OS	Non-legislative basic document	N6-0215/2004	26/02/2004	Summary
CofA	Court of Auditors: opinion, report	C324/2004 OJ C 324 30.12.2004, p. 0001	30/12/2004	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Budget 2005/0548
OJ L 196 27.07.2005, p. 0126-0126 Summary

2003 discharge: European Monitoring Centre on Racism and Xenophobia

2004/2059(DEC) - 30/12/2004

This report from the Court of Auditors presents the annual accounts of the European Monitoring Centre on Racism and Xenophobia for the financial year ended 31 December 2003. The Court obtained reasonable assurance that the annual accounts are reliable and that the underlying transactions, taken as a whole, are legal and regular. This document shows that the appropriations entered into the final budget amount to EUR 6.6 million with EUR 6 million being committed and EUR 4.7 million being paid. EUR 1.3 million was carried over to 2004 and EUR 600 000 was cancelled.

In its report, the Court states that the level of carry-overs of appropriations remained high, but was lower than the previous year (36 % in 2003 and 40 % in 2002). The Court once again draws the Centre’s attention to the necessity of observing the principle of annuality more fully when planning and monitoring its activities.

Of the appropriations carried over from the financial year 2002 to the financial year 2003 , 20 % were cancelled at the year-end. This is a large percentage, showing that the justification for the automatic carry-overs of 2002 appropriations was poor, especially in the case of provisional commitments. Carry-overs of appropriations must be strictly limited to obligations duly contracted at the close of the financial year.

Furthermore, the Court notes that in 2003, the Centre signed a convention with the Commission concerning the establishment of an information network for the candidate countries in central and eastern Europe. The project receives funding via Phare subsidies totalling EUR 845 000 euro. Contrary to the principles of budget unity, the Centre did not use an amending budget to include the amount of the 2003 Phare subsidy in its budget.

As the Court has already pointed out, in its 2002 Report, the Centre should establish an efficient system for managing and monitoring revenue to be collected. A system of that type would avoid the delays that were observed in the issue of recovery orders and the recovery of VAT. The Court also highlighted recruitment problems.

The Monitoring Centre has replied to the comments made by the Court. It states, first of all, that in 2003 the execution of the budget and the implementation of the Work Programme were again affected adversely by the low level of payment appropriations available to the EUMC. In July 2003 the EUMC requested additional payment appropriations that were ultimately received only in December 2003. The

EUMC would also like to emphasise the fact that in some Member States the official data that is used by the RAXEN network is not published until September. Despite all of the above, the level of carry-overs has decreased in comparison to 2002, as indicated by the Court. The EUMC will continue its efforts to further improve the situation.

The EUMC agrees with the observation made by the Court and has taken appropriate measures in 2003 to prevent this occurring in the future.

The EUMC decided not to publish its PHARE budget in an amending budget because the project dealt with non-Member States, therefore it was not within the scope of the EUMC’s mandate as defined in its basic regulation. However, given the Court’s observation, the EUMC has included the PHARE project budget in its amending budget 2004.

The EUMC agrees with the observation made by the Court and has taken measures to improve the controls over the creation of recovery orders.

As regards recruitment, internal competitions are not an infringement of the staff regulations. Given the small size of the EUMC and the absence of permanent posts, a decision was made to fill the vacant temporary posts via internal competition so as to provide staff with a certain career perspective and to fill two key positions as rapidly as possible. The EUMC has, however, decided that in the future internal competitions will only be made if a certain level of competition is guaranteed.

2003 discharge: European Monitoring Centre on Racism and Xenophobia

2004/2059(DEC) - 12/04/2005 - Final act

OBJECTIVE: granting of discharge for implementing the EU’s general budget for 2003 - European Monitoring Centre on Racism and Xenophobia.

LEGISLATIVE ACT: Decision 2005/548/EC of the European Parliament concerning the discharge for implementing the general budget of the EU for the 2003 financial year – European Monitoring Centre on Racism and Xenophobia.

CONTENT: With this Decision, the European Parliament grants discharge to the Director of the European Monitoring Centre for Racism and Xenophobia for the implementation of the budget for the 2003 financial year.

This decision is in line with the European Parliament’s resolution adopted on 12 April 2005 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 12/04/2005).

2003 discharge: European Monitoring Centre on Racism and Xenophobia

2004/2059(DEC) - 08/03/2005 - Supplementary non-legislative basic document

Having examined the revenue and expenditure account for the financial year 2003 and the balance sheet of revenue and expenditure at 31 December 2003 of the European Monitoring Centre on Racism and Xenophobia and the Court of Auditors' report on the annual accounts of the Monitoring Centre, the Council recommends that the European Parliament give a discharge to the Director of the Monitoring Centre in respect of the implementation of the budget for the financial year 2003.

To recall, EUR 1.2 million (80%) of the EUR 1.5 million in appropriations carried over from the financial year 2002 to the financial year 2003, have been used. EUR 1.3 million in appropriations have been carried forward from the financial year 2003 to the financial year 2004 and EUR 0.9 million have been cancelled.

Observations in the Court of Auditors' report in relation to the financial year 2003 call for certain comments by the Council, which are annexed to this Recommendation.

The Council notes that the Court has been able to issue a statement of reasonable assurance on the reliability of the Monitoring Centre's annual accounts for the financial year 2003. However, it regrets that in respect of the reasonable assurance as to the legality and regularity of the underlying transactions, taken as a whole, the Court has excluded a specific situation concerning the criteria of choice of contractors.

The Council shares the Court's view on the need to improve the Monitoring Centre's procurement procedures and asks it to pursue the reinforcement of the implementing rules on the award of contracts in line with the provisions of the general Financial Regulation and its implementing rules.

As the Court and the Council have already pointed out for the financial year 2002, the Monitoring Centre must take appropriate measures to improve the implementation of the budget, in respect of the principle of annuality. Carry-overs of appropriations should be strictly limited to obligations duly contracted at the close of the financial year.

Moreover, the Monitoring Centre should establish an efficient system for managing and monitoring revenue to be collected. This would allow a more reliable system for recovering VAT.

2003 discharge: European Monitoring Centre on Racism and Xenophobia

2004/2059(DEC) - 26/02/2004 - Non-legislative basic document

PURPOSE : to present the accounts and balance sheets of the European Monitoring Centre on Racism and Xenophobia for the financial year 2003.

CONTENT : the resources made available to the Centre in 2003 amount to EUR 6.575 million of which the Community subsidized 98.8%.

As regards the staffing policy, 30 posts were initially created in the establishment plan. 26 are occupied with + 4 other staff (auxiliary contracts, seconded national experts, local and agency staff) making a total of 30 staff. 17 carry out operational, administrative and mixed duties.

The European Monitoring Centre on Racism and Xenophobia, whose headquarters are based in Vienna, aims to provide the Community with objective, reliable and comparable data on the phenomena of racism, xenophobia and anti-Semitism.

Concerning the products and services supplied in 2003, the Monitoring Centre highlights that the number of contributions through 15 national focal points amounted to 165. 22 reports in the PHARE programme framework were drafted. 12 research reports were drafted. Concerning the cooperation with the Member States and the other institutions (number of events organised jointly): Member States: 19; Commission: 2; European Parliament: 2; Council of Europe: 4.

2003 discharge: European Monitoring Centre on Racism and Xenophobia

2004/2059(DEC) - 12/04/2005 - Text adopted by Parliament, single reading

The European Parliament adopted the report by Inés AYALA SENDER (PES, ES) and Carl SCHLYTER (Greens/EFA, SE) by 556 votes for, 55 against and 26 abstentions giving discharge to the Director of the European Monitoring Centre on Racism and Xenophobia for the 2003 financial year.

Parliament welcomes the Centre's results in reducing carry-overs of operating appropriations; invites the Centre to continue its efforts further to reduce carry-overs. It expects the Centre to indicate which among its activities could be financed by differentiated appropriations thus allowing for a further reduction in carry-overs. In line with the ECA's observation, the Centre is expected to correctly present in its general budget any Community subsidies it received and managed in relation to external programmes (Phare subsidies) as well as other sources of income in order to present a truly general budget.

It equally welcomes the solution given to the general request to make public the 2003 report on racism, and encourages the Centre to improve the preparatory works for this kind of report for the future. The absence of an equality plan is regretted and the Parliament expects the Agency to develop a plan shortly in order to become an equal opportunities employer; expects the Agency not only to consider equality issues at the stage of recruitment but also to work proactively and on a long-term basis to promote gender equality. Parliament welcomes the plan for a diversity audit and welcomes the fact that the Centre has integrated staff from minorities at all levels.

In its accompanying comments, the committee made a number of general points addressed to the Commission, the Agencies and the Court of Auditors (ECA):

General points addressed to the Commission and the Agencies: Parliament notes the Commission's position with regard to delegating responsibility for the execution of tasks to bodies, including agencies, other than the Commission's core administration and it takes the view that this does not answer Parliament's call for in-depth consideration at inter-institutional level of the structure of existing agencies. It therefore invites the Commission to provide clarification on this point and on the future overall inter-institutional agreement related to the new arrangements to be set up within or in parallel with the Financial Perspective and invites the Commission to organise and perform in the medium term, e.g. on a standard three-year cycle, a cross-cutting analysis of the evaluations carried out on individual Agencies in order to:

- reach conclusions with regard to the coherence of Agency activity with EU policies in general and as regards the synergies existing or to be developed between the agencies and Commission departments and the avoidance of overlapping between them;

- make an assessment of the broader European added value of the Agencies' outputs in their respective area of activity and of the relevance, efficiency and effectiveness of the Agency model in implementing or contributing to EU policies;

- determine and enhance the impact of the Agencies" actions in terms of the proximity, accessibility and visibility of the EU to its citizens.

In addition, Parliament calls on the Commission, in parallel with this exercise, to present by the end of 2005 at the latest, proposals for changes to be made in the existing Agencies" Constituent Acts with a view, inter alia, to optimising its relationship with the Agencies.

General points addressed to the Agencies: Parliament expects to receive from now on, from each of the Agencies, the report summarising information on the audits carried out by the Internal Auditor. It invites the Agencies to make further efforts to apply correctly the staff regulations and rules applicable to other civil servants with regard to their staff (recruitment procedures and relevant decisions taken, personal files, calculation of remuneration and other entitlements, promotions policy, percentage of vacant posts, quotas for respecting gender equality, etc.). Moreover, the Parliament expects the Agencies, in response to the relevant observations of the ECA, to comply fully with the budgetary principles as set out in the Financial Regulation, in particular those of unity and budgetary accuracy.

Parliament invites the Agencies to develop a comprehensive strategy of communication addressing the need to make available, in the appropriate form, the results of their work to the general public beyond the presentation of such results to the Institutions, Member States" competent services, specialists, partners or specific beneficiaries.

General points addressed to the ECA and the Agencies: Parliament welcomes the ECA's initiative to add a table to its specific reports on the Agencies presenting summary information on the competences, governance, resources available and products/output of the particular agency.