Basic information

2008/2257(DEC) DEC - Discharge procedure	Procedure completed
2007 discharge: European Union Fundamental Rights Agency FRA **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	FJELLNER Christofer (PPE-DE)	26/03/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÜHRKOP DÜHRKOP Bárbara (PSE)	20/02/2008

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2922	2009-02-10

European Commission

Commission DG	Commissioner
Budget	KALLAS Siim

Key events

Date	Event	Reference	Summary
23/07/2008	Non-legislative basic document published	SEC(2008)2359	Summary
20/11/2008	Committee referral announced in Parliament		
16/03/2009	Vote in committee		Summary
23/03/2009	Committee report tabled for plenary	A6-0176/2009	
21/04/2009	Debate in Parliament		
23/04/2009	Decision by Parliament	T6-0304/2009	Summary
23/04/2009	Results of vote in Parliament		

23/04/2009	End of procedure in Parliament		
26/09/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/2257(DEC)
Procedure type	DEC - Discharge procedure
Legal basis	Rules of Procedure EP 102
Stage reached in procedure	Procedure completed
Committee dossier	CONT/6/67264

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE416.348	29/01/2009	
Committee opinion	LIBE	PE416.412	02/02/2009	
Amendments tabled in committee		PE421.104	25/02/2009	
Committee report tabled for plenary, single reading		A6-0176/2009	23/03/2009	
Text adopted by Parliament, single reading		T6-0304/2009	23/04/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05588/2009	23/01/2009	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2008)2359	23/07/2008	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N6-0004/2009 OJ C 311 05.12.2008, p. 0001	05/12/2008	Summary

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act	
Budget 2009/0681 OJ L 255 26.09.2009, p. 0198	Summary

2007 discharge: European Union Fundamental Rights Agency FRA

2008/2257(DEC) - 23/07/2008 - Non-legislative basic document

PURPOSE: to present the final accounts of the European Union Fundamental Rights Agency (formerly the European Monitoring Centre on Racism and Xenophobia) for the financial year 2007.

CONTENT: this document sets out a detailed account of the implementation of the 2007 budget, including the revenue and expenditure and the balance sheet for the year concerned. To recall, the European Union Agency for Fundamental Rights (FRA), which succeeded to the European Monitoring Centre on Racism and Xenophobia (EUMC) and extended its competencies, was established through Council Regulation (EC) No 168 /2007. FRA carries out its tasks independently and cooperates with national and international bodies and organisations, in particular with the Council of Europe.

According to this document, the final budget amounted to **EUR 14.2 million** (compared to EUR 9.3 million in 2006) representing a 98% Community contribution.

As regards staffing policy, the Centre, whose head office is based in Vienna (Austria), officially set out 46 posts in its establishment plan. 34 of these are currently occupied and there are 11 other members of staff (contract agents, seconded national experts and employment agency staff), totalling 57 members of staff assigned to administrative, operational and mixed tasks. Staff expenditure amounted roughly to EUR 3.903 million in 2007.

During 2007, the Agency's activities concentrated on the following:

RAXEN network:

- Number of contributions by the 25 national focal points: 245;
- Number of contributions in the context of the PHARE Croatia/Turkey project: 6;
- Number of meetings: 1

Research reports:

- Number of reports: 4;
- Number of meetings: 6;
- Annual Reports: 2

Non-research materials:

- Various FRA publications: 15

Cooperation with Member States and other institutions:

- Member States: 7;
- European Commission: 8;
- European Parliament: 6;
- Committee of the Regions: 1;
- European Economic and Social Committee: 3;
- Council of Europe: 4;
- OSCE: 5;
- Inter-Agency: 2;
- United Nations: 2;
- Other meetings and round tables: 23.

The complete version of the final accounts may be found at the following address: http://www.fra.europa.eu/fra/index.php

2007 discharge: European Union Fundamental Rights Agency FRA

2008/2257(DEC) - 23/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted a decision concerning the discharge to be granted to the Director of the European Union Agency for Fundamental Rights in respect of the implementation of its budget for the financial year 2007. The decision to grant discharge is also an approval of the closure of the accounts of this EU agency.

In parallel, the European Parliament adopted by 399 votes to 18, with 8 abstentions, a resolution with observations which are an integral part of the decision to grant discharge.

Parliament recalls that the Agency should strive for synergies and avoid overlaps with other institutions active in the field of human rights, in particular the Council of Europe.

Parliament notes that **OLAF has opened an investigation concerning the Agency**. In this context, it requests to be informed of the results of the investigation and possible follow-up measures as soon as possible.

In terms of w**eaknesses in budget implementation due to the transition from a Monitoring Centre to an Agency**, Parliament notes the Court's findings that EUR 7.5 million had to be carried over due to the extension of the Agency's mandate in 2007, which triggered a delay in the adoption of the new work programme. It encourages the Agency to minimise cancellations of appropriations carried over and to report on progress made in its report on budgetary and financial management 2008.

In terms of **weaknesses in procurement procedures**, Parliament notes the Court's finding hat there were weaknesses in the financial evaluation methods for the Agency's calls for tender. In this context, it welcomes the fact that the Agency will introduce a new evaluation method in order to obtain best value for money.

On the issue of **follow-up to previous discharge exercises**, Parliament recalls that, for the three previous financial years (2004-06), the ECA issued a qualified statement of assurance for the EUMC due to weaknesses in procurement procedures. It therefore calls on the Agency to pay particular attention to the legality of its procurement procedures for the following financial years.

Lastly, noting that the Agency's annual accounts for the financial year 2007 are reliable, and the underlying transactions are legal and regular, the Parliament approves the closure of its accounts and refers, for other observations accompanying its decision on discharge, to its resolution on financial management and control of EU agencies - see 2008/2207(INI) - adopted in parallel.

2007 discharge: European Union Fundamental Rights Agency FRA

2008/2257(DEC) - 23/04/2009 - Final act

PURPOSE: to grant discharge to the European Union Agency for Fundamental Rights for the financial year 2007.

LEGISLATIVE ACT: Decision 2009/681/EC of the European Parliament on the discharge for the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2007.

CONTENT: with the present decision, the European Parliament grants discharge to the Director of the European Union Agency for Fundamental Rights in respect of the implementation of the Agency's budget for the financial year 2007.

This decision is in line with the European Parliament's resolution adopted on 23 April 2009 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 23/04/2009). The decision to grant discharge is also an approval of the closure of the accounts of this EU agency.

2007 discharge: European Union Fundamental Rights Agency FRA

2008/2257(DEC) - 23/01/2009

Based on the observations contained in the revenue and expenditure account and the balance sheet of the European Union Fundamental Rights Agency (formerly the European Monitoring Centre on Racism and Xenophobia) for the financial year 2007, as well as on the Court of Auditor's report and the Agency's replies to the Court's observations, the Council recommends that the Parliament grant the Director of the Agency discharge in respect of the implementation of the budget for the financial year 2007.

In doing so, the Council confirms that EUR 1.5 million (95%) of the EUR 1.6 million in appropriations carried forward from the financial year 2006 to the financial year 2007 were used, that EUR 7.5 million in appropriations was carried forward from the financial year 2007 to the financial year 2008 and EUR 0.2 million was cancelled.

Recalling that the Court of Auditors was able to obtain reasonable assurance that the Agency's annual accounts were, in all material respects, reliable and that the underlying transactions, taken as a whole, were legal and regular, the Council believes that a certain number of observations must be taken into account when granting discharge in respect of the implementation of the 2007 budget, particularly regarding the following points:

- **Implementation of the budget**: while acknowledging the extension of the Agency's mandate in the course of 2007, the Council notes with concern the difficulties in the Agency's budget implementation resulting, in particular in the very high carry-over rate. It asks the Agency to improve the execution of its budget and to bring down its high carry-over rate in line with the budgetary principle of annuality;
- **Procurement**: the Council calls on the Agency to fully respect the principle of sound financial management in its procurement procedures and to take the price criterion properly into account in its financial evaluation methods.

2007 discharge: European Union Fundamental Rights Agency FRA

2008/2257(DEC) - 05/12/2008

PURPOSE: to present the Court of Auditor's report on the annual accounts of the European Union Fundamental Rights Agency (formerly the European Monitoring Centre on Racism and Xenophobia) for the financial year 2007.

CONTENT: the report notes that the appropriations entered in the Agency's budget for the financial year in question amount to **EUR 14.191 million**, of which EUR 13.947 million was committed and EUR 6.516 million was paid. EUR 7.454 million was carried over to 2008 and EUR 221 000 was cancelled.

The Court notes that the accounts for the financial year are reliable in all material aspects and that the underlying transactions of the Agency's accounts are, on the whole, legal and regular.

- **The Court's analysis of the accounts**: the Court notes that the Agency's final budget for 2007 amounted to EUR 14.2 million as compared with EUR 9.3 million allocated to the EUMC the previous year. Almost all the budget was committed (EUR 13.9 million) but EUR 7.5 million was carried over. The **high level of carry-overs** was due to the extension of the mandate of the Agency in March 2007. This extension delayed the adoption of the Agency's new work programme and the nomination of a new director and consequently the implementation of the activities planned for 2007. Due to the extension of its mandate the Agency, through amendments to its budget and various transfers, decreased by EUR 798 000 the staff expenditure budget lines, avoiding cancellations of unused appropriations for staff expenditure at the year end. With regard to **procurement** procedures, in one case, the published financial evaluation method indirectly decreased the relative importance of the price criterion. This may have deterred some potential bidders and was not in line with the principle of sound financial management.
- **The Agency's replies**: the Agency considers the criticisms point by point and notes that it has taken all the necessary measures to make up the delays highlighted by the Court in order to minimise cancellations of carried-over appropriations. The objective to cancel less than 10% of carry-overs shall be closely monitored during 2008. The Agency also states that the transfers and the amending budgets were necessary because of the difficulties linked to the extension of the Agency's mandate which impaired the implementation of the initially foreseen activities. In the future, the Agency will continue to improve the programming of its activities. Finally, the Agency notes that the financial evaluation method used was fully compliant with the Financial Regulation. However, to ensure that the best value for money is obtained, the Agency will introduce the evaluation method now proposed by the Commission services.