## Basic information

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|---|---|
| **2009/2119(DEC)**<br>DEC - Discharge procedure | Procedure completed |
| 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST<br>**Subject**<br>8.70.03.07 Previous discharges | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| CONT Budgetary Control | MATHIEU HOUILLON Véronique (PPE) | 01/10/2009 |
| | Shadow rapporteur<br>STAVRAKAKIS Georgios (S&D)<br>GERBRANDY Gerben-Jan (ALDE)<br>STAES Bart (Verts/ALE) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | LÓPEZ AGUILAR Juan Fernando (S&D) | 22/07/2009 |

### Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| Economic and Financial Affairs ECOFIN | 2994 | 2010-02-16 |

### European Commission

| Commission DG | Commissioner |
|---|---|
| Budget | ŠEMETA Algirdas |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 23/07/2009 | Non-legislative basic document published | SEC(2009)1089 | Summary |

| | | | |
|---|---|---|---|
| 07/10/2009 | Committee referral announced in Parliament | | |
| 23/03/2010 | Vote in committee | | Summary |
| 26/03/2010 | Committee report tabled for plenary | A7-0093/2010 | |
| 21/04/2010 | Debate in Parliament | | |
| 05/05/2010 | Decision by Parliament | T7-0116/2010 | Summary |
| 05/05/2010 | Results of vote in Parliament | | |
| 05/05/2010 | End of procedure in Parliament | | |
| 25/09/2010 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2009/2119(DEC) |
| **Procedure type** | DEC - Discharge procedure |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | CONT/7/01106 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee opinion | LIBE | PE430.720 | 13/01/2010 | |
| Committee draft report | | PE430.482 | 02/02/2010 | |
| Amendments tabled in committee | | PE439.371 | 03/03/2010 | |
| Committee report tabled for plenary, single reading | | A7-0093/2010 | 26/03/2010 | |
| Text adopted by Parliament, single reading | | T7-0116/2010 | 05/05/2010 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Document attached to the procedure | 05827/2010 | 01/02/2010 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Non-legislative basic document | SEC(2009)1089 | 23/07/2009 | Summary |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| CofA | Court of Auditors: opinion, report | N7-0012/2010<br>OJ C 304 15.12.2009, p. 0001 | 08/10/2009 | Summary |
| CofA | Document attached to the procedure | N7-0036/2009<br>OJ C 269 10.11.2009, p. 0001 | 10/11/2009 | |

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

| Final act | |
|---|---|
| Decision 2010/0544<br>OJ L 252 25.09.2010, p. 0202 | Summary |

# 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST

2009/2119(DEC) - 05/05/2010 - Final act

PURPOSE: to grant discharge to EUROJUST for the financial year 2008.

LEGISLATIVE ACT: Decision 2010/544/EU of the European Parliament on the discharge for the implementation of the budget of Eurojust for the financial year 2008.

CONTENT: with the present decision, the European Parliament grants discharge to the Administrative Director of EUROJUST for the implementation of its budget for the financial year 2008.

This decision is in line with the European Parliament’s resolution adopted on 5 May 2010 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 5 May 2010).

A parallel Decision, adopted on the same day, approves the closure of the accounts of this EU agency.

# 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST

2009/2119(DEC) - 01/02/2010

Based on the observations contained in the revenue and expenditure account and the balance sheet of EUROJUST for the financial year 2008, as well as on the Court of Auditor’s report and EUROJUST’s replies to the Court’s observations, the Council recommends that the Parliament grant the Director of EUROJUST discharge in respect of the implementation of the budget for the financial year 2008.

The Council welcomes the Court's opinion that, on the one hand, Eurojust's annual accounts present fairly, in all material aspects, the financial position as at 31 December 2008 and the results of operations and cash-flows for the year then ended, in accordance with the provisions of Eurojust's Financial Regulation, and that, on the other hand, the underlying transactions for the financial year ended on 31 December 2008 are, in all material respects, legal and regular.

However, the Council considers that observations made in the Court of Auditor’s report call for a certain number of observations to be taken into account when granting discharge, particularly on the following points:

- **carry-over of appropriations**: the Council notes with satisfaction that the level of appropriations carried forward to the following financial year was lower than before, but urges Eurojust to further reduce carry-overs in order to prevent the cancellation of important amounts carried forward, but not used, at the end of the following year;

- **recruitment procedures**: the Council also encourages Eurojust to further accelerate its recruitment procedures and to fill vacant posts in accordance with the available budget appropriations, avoiding the need to employ interim staff. In addition, the Council asks Eurojust to ensure full transparency in staff selection procedures and the non-discriminatory treatment of candidates;
- **procurement activities**: the Council calls on Eurojust to remedy the persisting weaknesses identified in the monitoring of contracts and the programming of procurement activities.

# 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST

2009/2119(DEC) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 555 votes to 28, with 52 abstentions, a decision on discharge to be granted to the Administrative Director of EUROJUST in respect of the implementation of its budget for the financial year 2008. The decision to grant discharge is also an approval of the closure of the accounts of this EU agency. Furthermore, Parliament adopted a resolution with observations which are an integral part of the decision to grant discharge to this Agency.

The main points are as follows:

- **performance:** Parliament underlines that the lack of indicators, the deficits in measurement of user satisfaction and the lack of coordination between the budget and the work programme make it difficult to evaluate Eurojust's performance. It, therefore, notes that, in the coming years, the discharge for the implementation of the budget for Eurojust should be further based on Eurojust's performance throughout the year;
- **carry-over of appropriations:** noting that the carry-over of appropriations was still very high, Parliament calls on EUROJUST to take steps to avoid this situation recurring. It also notes that, on 31 December 2008, Eurojust's cash holdings amounted to EUR 4 612 878.47 and calls on the Commission to examine what scope there is for helping to ensure that the cash holdings are managed entirely on a needs-orientated basis in order to keep Eurojust's cash holdings permanently as low as possible;
- **weaknesses in procurement procedures:** Parliament regrets that the Court of Auditors again found deficiencies in procurement procedures, as in the three previous years. It points out that this situation reveals severe weaknesses in the capacity of the various Eurojust departments involved. It, therefore, calls on Eurojust to inform the discharge authority of the measures it will take to remedy this situation;
- **human resources:** expressing its concern at the fact that the Court of Auditors has again noted shortcomings in the planning and implementation of recruitment procedures, Parliament asks, in particular, that Eurojust should inform the discharge authority of its new recruitment procedure, launched in 2009, which, from now on, should ensure more transparency and no discrimination in the treatment of external and internal applicants;
- **internal audit:** Parliament notes that none of the 26 recommendations made by the Internal Audit Service (IAS) has been fully implemented. It urges Eurojust, therefore, to put in place without delay the recommendations on human resources management and to make sure that the public procurement procedures are correctly implemented.

Noting that the Agency's annual accounts for the financial year 2008 are reliable, and the underlying transactions are legal and regular, Parliament approves the closure of its accounts and refers to the general recommendations that appear in the draft resolution on performance, financial management and control of EU agencies (see 2010/2007(INI) adopted in parallel).

# 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST

2009/2119(DEC) - 08/10/2009

PURPOSE: to present the report by the Court of Auditors on the 2008 annual accounts of EUROJUST.

CONTENT: In the Court's opinion, the Eurojust's Annual Accounts present fairly, in all material respects, its financial position as of 31 December 2008 and the results of its operations and its cash flows for the year then ended. The transactions underlying the Eurojust's annual accounts for the financial year ended are, in all material respects, legal and regular.

The Court of Auditor's report includes a detailed section on EUROJUST's expenditure and an analysis of the expenditure, as well as the EUROJUST's replies.

- **The Court's analysis of the accounts**: in its report, the Court makes a series of comments as regards the budgetary and financial management. It states that the level of appropriations carried forward to the following year, EUR 3.5 million, was much lower than in 2007 (from 25% to 13% of final budget appropriations), but the level of cancellations of the appropriations carried over from the previous financial year, EUR 1 million (25% of the appropriations carried over) was high. This situation was at odds with the principle of annuality. As in the past, the high rate of vacant posts (26%) although less significant than in 2007 (33%), still indicates shortcomings in the planning and implementation of recruitment procedures. It also notes that this had implications on the use of Title I appropriations, where an amount of EUR 1.8 million was transferred from appropriations for the salaries of temporary and contract staff, mostly to increase (by 238%) the appropriations for interim staff. With regard to procurement, in most cases no prior estimation of the market value was done before the procedure was launched. In addition, an analysis of the register of exceptions (i.e. deviations from established policies, procedures or controls) showed recurrent and severe weaknesses at the level of the monitoring of contracts and the programming of procurements. This situation already commented on in the 2005, 2006 and 2007 Annual Reports, seriously calls into question the capacity of the various services involved to liaise properly and indicates a lack of guidance and control by the authorising officer. Lastly, the Court still highlights

problems with regard to staff selection procedures. In one case, an internal candidate was appointed on a Head of Unit post although the minimum requirements in terms of professional experience were not respected. These situations did not ensure the transparent and non-discriminatory treatment of external and internal candidates.

- **The Agency's replies**: Eurojust states that half of the EUR 1 million cancelled was due to external factors relating to host state obligations and casework coordination. It will endeavour to have a clearer picture from external parties in 2009, thus reducing cancellations of appropriations. As regards the recruitment procedures, Eurojust states that the number of interim staff has been drastically reduced and therefore the need for transfer of appropriations greatly decreased as a result. Such a high transfer will therefore not be necessary in 2009. In addition, the recruitment situation addressed by the Court has since been regularised and a new recruitment procedure will be launched in 2009.

# 2008 discharge: The European Union's Judicial Cooperation Unit EUROJUST

2009/2119(DEC) - 23/07/2009 - Non-legislative basic document

PURPOSE: to present the final accounts of EUROJUST for the financial year 2008.

CONTENT: this document sets out a detailed account of the implementation of EUROJUST's budget for the financial year 2008. It notes that EUROJUST's final budget amounted to EUR 24.8 million in 2008 (compared to EUR 18.9 million in 2007).

As regards the staffing policy, EUROJUST, whose head office is based in The Hague (The Netherlands), set out 175 posts in its establishment plan of which 130 are currently occupied. 43 other posts (contract agents, seconded national experts and employment agency staff) as well as 49 other staff members (National members, Liaison prosecutors, deputies and assistants) are also occupied totalling 222 posts assigned to operational, administrative and mixed tasks.

In 2008, EUROJUST's main activities concentrated on bilateral and multilateral cooperation operations with regard to:

- 168 standard cases;
- 1 025 complex cases.

Total number of cases: 1 193 in the following areas:

- Fraud: 810 cases;
- Drug trafficking: 223 cases;
- Terrorism: 23 cases;
- Murder: 86 cases;
- Trafficking in human beings: 83 cases.

In total, members met 131 times in the course of 2008.

The complete version of the final accounts may be found at the following address: http://www.eurojust.europa.eu/adm_budg_finance.htm