

Basic information	
2009/2126(DEC) DEC - Discharge procedure	Procedure completed
2008 discharge: European Railway Agency ERA Subject 8.70.03.07 Previous discharges	

Key players			
European Parliament	Committee responsible		Rapporteur
	CONT Budgetary Control		MATHIEU HOUILLON Véronique (PPE)
			Shadow rapporteur STAVRAKAKIS Georgios (S&D) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE)
			01/10/2009
	Committee for opinion		Rapporteur for opinion
	TRAN Transport and Tourism		JENSEN Anne E. (ALDE)
			12/11/2009
Council of the European Union	Council configuration		Meetings
	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	A7-0084/2010	
21/04/2010	Debate in Parliament		
05/05/2010	Decision by Parliament	T7-0111/2010	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	
Procedure reference	2009/2126(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/01118

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE430.463	04/02/2010	
Committee opinion	TRAN	PE429.666	23/02/2010	
Committee report tabled for plenary, single reading		A7-0084/2010	26/03/2010	
Text adopted by Parliament, single reading		T7-0111/2010	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 OJ C 304 15.12.2009, p. 0001	08/10/2009	Summary

CofA	Document attached to the procedure	N7-0036/2009 OJ C 269 10.11.2009, p. 0001	10/11/2009	
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 2010/0534 OJ L 252 25.09.2010, p. 0178 Summary

2008 discharge: European Railway Agency ERA

2009/2126(DEC) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 559 votes to 30, with 54 abstentions, a decision on discharge to be granted to the Executive Director of the European Railway Agency in respect of the implementation of its budget for the financial year 2008.

Furthermore, Parliament adopted a resolution with observations which are an integral part of the decision to grant discharge.

The main points are as follows:

- **performance:** Parliament calls on the Agency to set out a comparison of operations carried out during the year for which discharge is to be granted and in the previous financial year so as to enable the discharge authority to assess its performance from one year to the next more effectively. It also invites it to consider making a Gantt diagram part of the programming for each of its operational activities, with a view to indicating the amount of time spent by each staff member on a project and encouraging an approach geared towards achieving results;
- **location:** Parliament notes that the Agency still carries out its operations in two locations (Lille and Valenciennes), exposing it to additional costs;
- **carryover of appropriations:** noting that more than EUR 4.1 million were carried forward to 2009, Parliament emphasises that this state of affairs reveals that the Agency had difficulties in the programming and the budgeting of its activities;
- **internal audit:** Parliament calls on the Agency to implement the recommendations made by the Internal Audit Service (IAS) in particular in regard to bank signatures, segregation of duties, sensitive posts and maintenance of delegation powers.

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 the Agency's accounts. However, it makes a number of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the draft resolution on financial management and control of EU agencies (see [2010/2007\(INI\)](#) adopted in parallel).

2008 discharge: European Railway Agency ERA

2009/2126(DEC) - 05/05/2010 - Final act

PURPOSE: to grant discharge to the European Railway Agency for the financial year 2008.

LEGISLATIVE ACT: Decision 2010/534/EU of the European Parliament on the discharge for the implementation of the budget of the European Railway Agency for the financial year 2008.

CONTENT: with the present decision, the European Parliament grants discharge to the Executive Director of the European Railway Agency for the implementation of the Authority's 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: European Railway Agency ERA

2009/2126(DEC) - 01/02/2010

Based on the observations contained in the revenue and expenditure account and the balance sheet of the European Railway Agency for the financial year 2008, 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 2008.

The Council welcomes the Court's opinion that, on the one hand, the Agency'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 the Agency'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 rate:** the Council regrets the Court's finding that an important carry-over rate persisted in 2008, being a consequence of delays in the procurement procedures and of the transfers made late in the year. The Council strongly reiterates its call on the Agency to make more intensive and effective efforts to improve its planning, especially with respect to procurement procedures and the monitoring of its budget implementation;
- **procurement:** with respect to the procurement area, which showed once again weaknesses affecting the transparency of procedures, the Council welcomes the action plan announced by the Agency and will devote great attention to upcoming results;
- **work programme and performance indicators:** the Council welcomes the fact that, as of the budgetary procedure for 2010, the Agency will integrate the preparation of its annual budget with the establishment of its work programme and encourages the Agency to speed up the definition of appropriate performance indicators as well as precise and measurable objectives, activities and related timetables;
- **location:** the Council notes the Court's observations related to the fact that the Agency carries out its operations in two locations and that a seat agreement has not yet been formalised.

2008 discharge: European Railway Agency ERA

2009/2126(DEC) - 08/10/2009

PURPOSE: presentation of the report by the Court of Auditors on the 2008 annual accounts of the European Railway Agency (ERA).

CONTENT: in the Court's opinion, the Agency'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. It considers that the transactions underlying the annual accounts of the Agency are, in all material respects, legal and regular.

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

- **The Court's analysis of the accounts:** in its report, the Court makes a series of observations, in particular as regards financial and budgetary management. It states that more than EUR 4.1 million appropriations were carried forward to 2009. This high level of appropriations carried forward indicates difficulties in the programming and the budgeting of the Agency's activities. The Court also made comments on: (i) the shortcomings in the Annual Work programme (no specific, measurable, achievable, relevant or timely objectives); (ii) inconsistencies in the presentation of figures pertaining to staff and budgetary resources allocated to activities; (iii) weaknesses as regards the audit of a sample of procurement procedures; (iv) the significant additional costs due to two different working premises (Lille and Valenciennes). The Agency has taken steps to formalise a seat agreement whereby the additional costs emerging from the dual location would be compensated by the French authorities. These efforts have so far been unsuccessful. The Court states that in 2009, the Agency will move to a building owned by the municipality of Valenciennes. The duration of the contract is 25 years, provided that a seat agreement is signed with the French Government. Because no seat agreement has been formalised to date, the budgetary authority has limited the duration of the new lease contract to one year, automatically renewable for a maximum of one further year. The lack of certainty on the duration of the contract hinders the planning for the installation of the new premises and the related acquisition procedures and, in consequence, the budgetary programming.
- **The Agency's replies:** the Agency states that out of the EUR 4.1 million appropriations carried over from 2008 to 2009, more than EUR 1.5 million concern contracts signed in the last two months of 2008. The late signatures are a consequence of delays in the procurement procedures and of the transfers made at the end of October 2008 following an analysis of the budget execution. The Agency will continue to make efforts to improve the planning of the procurement procedures and the monitoring of the budget execution throughout in the year. The Agency highlights that as of the budget procedure 2010, ERA has introduced a process whereby the preparation of the annual budget and work programme are fully integrated so as to ensure a maximum of consistency. Furthermore ERA will endeavour to be increasingly precise in the definition of the objectives, activities and their timetable. Based on an analysis of past difficulties encountered in the area of procurement, an action plan has been set up. The actions include inter alia training and assistance to the members of the evaluation committees and harmonisation of the way tenders are evaluated using check-lists. Lastly, as regards the issue of the Seat, the Agency states that it is making all possible efforts to conclude a Seat Agreement with the Host State. However, so far no formal reaction to ERA's proposal for an agreement has been received. As long as the seat agreement is not signed, the Agency agrees that it will face important problems with its procurement procedures, in particular with those related to the building in Valenciennes.

2008 discharge: European Railway Agency ERA

PURPOSE: presentation of the final accounts of the European Railway Agency (ERA) for the financial year 2008.

CONTENT: this document sets out a detailed account of the implementation of the Agency's budget for 2008. It indicates that the Agency's final budget amounted to EUR 18 million (compared to EUR 16.6 million for 2007).

As regards the staffing policy, the Agency (which is located in two cities: its administrative seat is in Valenciennes whereas its meetings have to be held in Lille) officially set out 116 posts in its establishment plan. 106 posts are currently occupied + 7 other posts totalling 113 posts assigned to operational and administrative duties.

The activities carried out in 2008 are as follows:

Address recommendations to the Commission

- Recommendation on common safety methods to be used in the framework of common safety targets,
- Recommendation on the revision of Annex I to Directive 2004/49/EC,
- The first biennial report on the safety performance of the railways of the European Union,
- Recommendation on a common format for train drivers licences and registers,
- Recommendation on harmonised requirements for Part B Safety Certificates,
- Recommendation on the conventional rail technical specifications for interoperability (TSI) infrastructure,
- Recommendation on the conventional rail TSI energy,
- Recommendation on the certification of maintenance workshops,
- Recommendation on the system requirement specification for baseline 3 of the European Railway Traffic Management System (ERTMS) specification.

Give opinions on

- Draft TSI on locomotives and passenger rolling stock,
- First draft of the recommendation on Section 1 of Annex VII of Directive 2008/57/EC (cross acceptance checklist),
- Setting-up of the register of documents on interoperability.

Publications and reports

- Intermediate report on the TSI telematic applications for passengers,
- Feasibility study on the interoperability of the 1 520 mm rail system,
- Evaluation of the notification of the lists of national technical rules,
- Draft report on the way national safety rules are published and made available,
- Draft report on impact assessment and recommendations concerning the requirement for derailment detection proposed by the Committee on dangerous goods.

Events: biennial safety conference.

The complete version of the final accounts may be found at the following address: <http://www.era.europa.eu>