Basic information

2010/2186(DEC) DEC - Discharge procedure	Procedure completed
2009 discharge: Euratom Supply Agency ESA **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	STAVRAKAKIS Georgios (S&D)	23/03/2010
	Shadow rapporteur MACOVEI Monica (PPE) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE) SØNDERGAARD Søren Bo (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
20/07/2010	Non-legislative basic document published	SEC(2010)0963	Summary
07/10/2010	Committee referral announced in Parliament		
11/04/2011	Vote in committee		Summary
14/04/2011	Committee report tabled for plenary	A7-0144/2011	

10/05/2011	Decision by Parliament	T7-0179/2011	Summary
10/05/2011	Results of vote in Parliament		
10/05/2011	Debate in Parliament		
10/05/2011	End of procedure in Parliament		
27/09/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/2186(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/04071

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE450.718	04/02/2011	
Amendments tabled in committee		PE460.806	09/03/2011	
Committee report tabled for plenary, single reading		A7-0144/2011	14/04/2011	
Text adopted by Parliament, single reading		T7-0179/2011	10/05/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05892/2011	03/02/2011	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2010)0963	20/07/2010	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N7-0008/2011 OJ C 338 14.12.2010, p. 0006	16/09/2010	Summary

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

Final act	
Decision 2011/0596 OJ L 250 27.09.2011, p. 0206	Summary

2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 20/07/2010 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2009, as part of the 2009 discharge procedure.

Analysis of the accounts of the **Euratom Supply Agency (ESA).**

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2009 as prepared on the basis of the information presented by the institutions, organisations and bodies of the EU, in accordance with Article 129 (2) of the Financial Regulation applicable to the EU's General Budget, including the Euratom Supply Agency (ESA).

In 2009, the tasks and budget of this agency were as follows:

- **description of ESA's tasks:** ESA, which is located in Luxembourg, was created in 1958. A Council Decision 2008/114/EC, Euratom of 12 February 2008 replaced the preceding Statutes of the Agency. The Agency's main tasks are to provide the Union with expertise on the market in nuclear materials and services and to monitor it ;
- **ESA's budget for the 2009 financial year**: in 2009, the Agency did not receive any subsidy to cover its operations. The Commission bore the costs incurred by the Agency for implementing the 2009 activities.

2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 10/05/2011 - Final act

PURPOSE: to grant discharge to the Euratom Supply Agency in respect of the implementation of the Agency's budget for the financial year 2009.

NON-LEGISLATIVE ACT: Decision 2011/596/EU of the European Parliament on discharge in respect of the implementation of the budget of the Euratom Supply Agency for the financial year 2009.

CONTENT: with the present decision, the European Parliament grants discharge to the Director-General of the Euratom Supply Agency for the implementation of its budget for the financial year 2009.

This decision is in line with the European Parliament's resolution adopted on 10 May 2011 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 10/05/2011).

A parallel decision, adopted on the same day, approves the closure of this Agency's accounts.

2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 10/05/2011 - Text adopted by Parliament, single reading

The European Parliament adopted by 528 votes to 79, with 36 abstentions a decision to grant discharge to the Director-General of the Euratom Supply Agency for implementation of the Agency's budget for the financial year 2009.

Noting that the Agency's annual accounts for the financial year 2009 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 resolution on financial management and control of EU agencies - see DEC/2010/2271):

Parliament notes that, in 2009, the Agency did not receive any subsidy to cover its operations and that the Commission bore all expenses incurred by the Agency for the implementation of the 2009 budget; notes that this situation has persisted since the creation of the Agency in 2008. In the absence of an autonomous budget, the Agency is de facto integrated into the Commission. **Parliament points out, nevertheless, that this situation is at odds with the Agency's Statutes and that it raises the issue of the need to maintain the Agency in its current form and organisation.** It notes, however, the Agency's reply explaining that the present situation reflects the balance between, on the one hand, a clear relationship with the Commission (for example the Commission may issue directives and it appoints the Director-General of the Agency) and, on the other hand, a degree of legal and financial autonomy (for example, the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure that the policy on diversification of the sources of supply is applied) and that, furthermore, this balance is in accordance with the Euratom Treaty;

Parliament notes that the Director-General acknowledges the problem and has detailed the initial actions taken as requested by the discharge authority. Parliament calls on the Director-General to keep the discharge authority informed on further steps taken and progress made.

2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 03/02/2011

Based on the observations contained in the revenue and expenditure account and the balance sheet of the Euratom Supply Agency for the financial year 2009, 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 General of the Agency discharge in respect of the implementation of the budget for the financial year 2009.

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 2009 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 2009 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:

- **financial autonomy**: the Council notes the Court's observation that the Agency has not received a budget since 2008, whereas, according to the Treaty establishing the European Atomic Energy Community, it should have financial autonomy, and the Court's opinion that the Commission and the Agency should take measures to regularise this situation.

2009 discharge: Euratom Supply Agency ESA

2010/2186(DEC) - 16/09/2010 - Court of Auditors: opinion, report

PURPOSE: presentation by the Court of Auditors of its report on the annual accounts of the Euratom Supply Agency (ESA).

CONTENT: in accordance with the tasks and objectives conferred on it by the Treaty on the Functioning of the European Union (TFEU), the Court of Auditors, in the context of the discharge procedure, addresses to the European Parliament and the Council a Statement of Assurance on the reliability of the annual accounts, as well as of the legality and regularity of the transactions underlying them of each EU institution, body or agency, on the basis of an external, independent audit.

This audit also covered the annual accounts of the Euratom Agency (ESA).

In the Court’s opinion, **the Agency's annual accounts presented “fairly, in all material respects”, its financial position as of 31 December 2009** and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also stated that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2009 were, “in all material respects, **legal and regular**”.

The report also included comments on the Agency’s budgetary and financial management, together with the Agency’s replies. The main comments are as follows:

The Court's comments:

- The issue of the financial independence of the Agency: the provisions of Article 54 of the Treaty establishing the European Atomic Energy Community provides for the Agency’s financial autonomy. In fact, the Agency has not, since 2008, received a budget. In those circumstances, the European Commission has directly discharged the Agency’s expenses. In the Court’s view, this situation is at odds with the Statutes of the Agency

The Agency's reply: the present situation reflects the necessary balance in accordance with the Euratom Treaty between: i) the clear relationship with the European Commission (e.g. the Commission may issue directives and appoints the Director-General of the Agency), and ii) a level of legal and financial autonomy (e.g. the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure the policy of diversification of the sources of supply). This provides for initiatives that will reinforce the effectiveness and efficiency of the activities of the Agency. The Agency will consider the most appropriate measures to take into account the Court’s comments.