

Basic information**2011/2217(DEC)**

DEC - Discharge procedure

2010 discharge: European Environment Agency (EEA)

Subject

8.70.03.07 Previous discharges

Procedure completed

Key playersEuropean
Parliament**Committee responsible****CONT**

Budgetary Control

Rapporteur

MACOVEI Monica (PPE)

Appointed

03/03/2011

Shadow rapporteur

HERCZOG Edit (S&D)

GERBRANDY Gerben-Jan
(ALDE)

STAES Bart (Verts/ALE)

CZARNECKI Ryszard (ECR)

SØNDERGAARD Søren Bo
(GUE/NGL)

ANDREASEN Marta (EFD)

HARTONG Lucas (NI)

EHRENHAUSER Martin (NI)

Former committee responsible**CONT**

Budgetary Control

Former rapporteur

MACOVEI Monica (PPE)

Appointed

03/03/2011

Committee for opinion**ENVI**

Environment, Climate and Food Safety

Rapporteur for opinion

HAUG Jutta (S&D)

Appointed

10/07/2012

Former committee for opinion**ENVI**

Environment, Public Health and Food Safety

Former rapporteur for opinion

HAUG Jutta (S&D)

Appointed

05/10/2011

European Commission	Commission DG	Commissioner
	Budget	ŠEMETA Algirdas

Key events			
Date	Event	Reference	Summary
26/07/2011	Non-legislative basic document published	COM(2011)0473 	Summary
12/10/2011	Committee referral announced in Parliament		
27/03/2012	Vote in committee		
04/04/2012	Committee report tabled for plenary	A7-0105/2012	Summary
10/05/2012	Decision by Parliament	T7-0172/2012	Summary
10/05/2012	Results of vote in Parliament		
10/05/2012	Debate in Parliament		
10/05/2012	Report referred back to committee		
26/09/2012	Vote in committee		
09/10/2012	Committee report tabled for plenary	A7-0300/2012	Summary
23/10/2012	Decision by Parliament	T7-0373/2012	Summary
23/10/2012	End of procedure in Parliament		
20/12/2012	Final act published in Official Journal		

Technical information	
Procedure reference	2011/2217(DEC)
Procedure type	DEC - Discharge procedure
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/09686 CONT/7/07232

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee opinion	ENVI	PE476.052	24/01/2012	
Committee draft report		PE473.990	06/02/2012	
Amendments tabled in committee		PE483.625	07/03/2012	
Committee report tabled for plenary, single reading		A7-0105/2012	04/04/2012	Summary

Text adopted by Parliament, single reading		T7-0172/2012	10/05/2012	Summary
Committee draft report		PE491.066	20/06/2012	
Amendments tabled in committee		PE494.822	10/09/2012	
Committee opinion	ENVI	PE494.536	20/09/2012	
Committee report tabled for plenary, single reading		A7-0300/2012	09/10/2012	Summary
Text adopted by Parliament, single reading		T7-0373/2012	23/10/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	06083/2012	08/02/2012	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2011)0473 	26/07/2011	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N7-0015/2012 OJ C 366 15.12.2011, p. 0057	06/09/2011	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2012/0804 OJ L 350 20.12.2012, p. 0089	Summary
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2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 09/10/2012 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the second reading report of Monica Luisa MACOVEI (PPE, RO) on the discharge for the European Environmental Agency (EEA) which calls on the European Parliament **to refuse the Executive Director of the EEA the discharge for the implementation of the Agency budget for the 2010 financial year.**

In May 2012, Parliament previously postponed its decision on granting the discharge for the implementation of the Agency budget, essentially because of a **problem with conflicts of interest** of some Agency personnel (please refer to the summary dated 10/05/2012).

Whilst approving the closure of the Agency accounts for the 2010 financial year, Members made a series of observations supporting the Committee's position to refuse the discharge:

- **budget and financial management:** Members recall that the Agency covered its building with a Green Façade at a cost of EUR 294 641 and that no public tender was issued. They therefore call for clarification regarding the Agency's relationships and contracts concluded with private companies (OLAF is invited to undertake an administrative investigation on this issue). In general, Members call for measures to be taken in cases of the Agency's non-compliance with existing rules. The European Parliament or the European legislator are also called upon to address these problems by changing the existing rules to eliminate possible loopholes;
- **human resources:** Members recall issues already raised in the previous resolution of 10 May 2012 on the **conflicts of interest of some agency staff** (in particular, the position of the Executive Director of the Agency who was a trustee and a member of the International Advisory Board of *Earthwatch* – an international organisation for the protection of the environment, and that the unclear relationships between the Agency and the NGO gave rise to questions). Although Members welcome the fact that the Agency had prepared a strategy and an action plan to resolve conflicts, they note that there are still regrettable loopholes on matters of transparency (e.g. none of the curriculum vitae of the Management Board members is currently available on the Agency's website). They call on the Agency to **promote greater transparency in terms of preventing and combating conflict of interests** and demanded to be kept informed on ongoing administrative investigations related to the Agency.

Overall, Members welcome the agreement on the Joint Statement and Common Approach adopted in June 2012 by the European Parliament, the Council and the Commission on decentralised agencies in which certain elements of importance to the discharge have been addressed and taken up.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 23/10/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a decision concerning the discharge **to be granted to the Executive Director of the European Environment Agency (EEA) in respect of the implementation of the Agency's budget for the financial year 2010**. The decision to grant the discharge shall also constitute the closure of the accounts for this Agency.

Parliament took this decision **contrary to the position of the committee responsible** which had called on Parliament to refuse the Agency discharge, and which referred to an earlier resolution adopted in plenary in May 2012 taking a similar stance, citing several problems on **conflict of interests** of some Agency personnel (please see the summary of 10/05/2012.) The plenary this time adopted by 374 votes 235 with 39 abstentions, a resolution granting the discharge but **calling on the Agency to reform the way in which it manages human resources**.

Other salient points in the resolution may be summarised as follows:

- **selection of the Executive Director of the Agency:** Parliament expects, without prejudice to the Agency's independence, **an open and transparent selection procedure regarding the appointment of the Executive Director in June 2013** that guarantees a rigorous evaluation of candidates and a high level of independence. It suggests, that a hearing of the candidates by the competent committees in Parliament will be part of the appointment procedure to the position of Executive Director;
- **budgetary and financial management:** Parliament recalls that the Agency covered its building with a **Green Façade** at a cost of EUR 294 641, and that no public tender was issued. In order to cover the costs, a budget transfer has reinforced an Agency budget line. Parliament calls therefore for the establishment of clear internal rules and the implementation of *ex ante* controls on exceptional expenditures. It is firmly convinced that necessary steps have to be taken should cases of non-compliance with existing rules occur and that the Agency should draw up an action plan, accompanied by a precise timetable, **aiming to remedy shortcomings**. Implementation of the plan should be monitored by the European Parliament;
- **human resources:** Parliament begins by observing that the Agency hosted 12 guest scientists working at its premises without publishing, for 11 of them, the *curriculum vitae*, including at least their educational and work background. It acknowledges the Management Board's statement that rules for the selection and conduct of visiting scientists will be strengthened in order to ensure greater clarity and transparency. Parliament also recalls certain points already made in its aforementioned resolution of 10 May 2012 **on conflict of interests of certain Agency personnel** (particularly the position of the Executive Director of the Agency who was a trustee and a member of the International Advisory Board of *Earthwatch*, an international environmental charity, whose links with the Agency have given rise to a number of questions.) Parliament acknowledges the decision of the Management Board to implement *ex ante* controls on the membership of the Executive Director in external boards, but it notes **several other problems** particularly some unusual involvement of scientists from Worldwatch Institute Europe in the Agency's work. Generally, Parliament welcomes the measures taken by the Agency to improve the **management of conflicts of interest** but it asks the Agency to make these measures public and to foster a debate on the policy. Parliament raises the question of the curriculum vitae of management staff and of the members of the scientific committee, some of which are still not available on the Agency's website. It calls on the Agency to promote greater transparency in terms of preventing and combating conflict of interests. It also expects to receive information on ongoing administrative investigations related to the Agency.

Parliament stresses that the Agency is required to establish appropriate contacts with interested parties and to cooperate with stakeholders such as external organisations, but notes that **those activities have not been accompanied by respective measures and rules for excluding possible reputational risk**. It welcomes the commitment by the Management Board and the Executive Director to take appropriate steps in order to eliminate those risks immediately.

Lastly, Parliament welcomes, in general, the Joint Statement and the Common Approach on decentralised agencies agreed in June 2012 by the European Parliament, the Council and the Commission, which addresses and takes up some elements important to the discharge procedure.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 23/10/2012 - Final act

PURPOSE: to grant discharge to the European Environment Agency (EEA) for the financial year 2010.

NON-LEGISLATIVE ACT: Decision 2012/804/EU of the European Parliament on discharge in respect of the implementation of the budget of the European Environment Agency for the financial year 2010.

CONTENT: with this Decision and in accordance with Article 319 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament gives discharge to the Executive Director of the European Environment Agency for the implementation of the Agency's budget for 2010.

The Decision is consistent with the European Parliament's resolution adopted on 23 October 2012 and includes a series of observations that form an integral part of the discharge decision (refer to the summary of the opinion of 23 October 2012).

Decision 2012/805/EU, adopted on the same day, approves the closure of the accounts for this Community agency for 2010.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 06/09/2011 - Court of Auditors: opinion, report

PURPOSE: presentation of the EU Court of Auditors' report on the annual accounts of the European Environment Agency, together with the Agency's reply.

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

This audit concerned, amongst others, the annual accounts of the European Environment Agency (EEA).

In the Court's opinion, the **Agency's Annual Accounts fairly present, in all material respects, its financial position as of 31 December 2010** 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 considers that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2010 are, in all material respects, **legal and regular**.

The report confirms that the Agency's 2010 budget amounted to EUR 50.6 million and that the number of staff employed by the Agency at the end of the year was 125.

It should be noted that the report makes no observations on the budgetary and financial management of the Agency.

Lastly, the Court of Auditors' report contains a **summary of the Agency's activities** in 2010. This is focused on the following:

- organising and taking part in conferences on key environmental topics for the EU (e.g. biodiversity);
- contributing to Global Monitoring for Environment and Security (GMES);
- the development of version 3 of the Eye on Earth platform;
- contributing to the State of the Environment report (SOER) 2010.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 08/02/2012

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Environment Agency, as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2010, accompanied by the Agency's replies to the Court's observations, the Council recommends the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2010.

This recommendation is not accompanied by any further observations.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 04/04/2012 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Monica Luisa MACOVEI (EPP, RO) on discharge to be granted in respect of the implementation of the budget of the European Environment Agency for the financial year 2010. The committee calls on the Parliament to **postpone** its decision on granting the Executive Director of the European Environment Agency discharge in respect of the implementation of the Agency's budget

for the financial year 2010. However, they make a number of recommendations, in addition to the general recommendations that appear in the [draft resolution](#) on performance, financial management and control of EU agencies:

- **Carryover appropriations:** Members take note from the Agency's Final Accounts that EUR 12 809 551,05 of the 2010 appropriations have been carried forward to 2011 and that cancellation of unused payment appropriations carried over from the previous year amounted to EUR 585 282,87. They regret that the Court of Auditors did not consider the level of the Agency's appropriations carried forward and cancelled to be sufficiently high to warrant a mention in its report;
- **Procurement Procedures:** Members call on the Internal Audit Service (IAS) to **audit the Agency's contracts** in the area of canteen services, cleaning services, security services and furniture to establish whether the call preparation, publication, evaluation and contract management phases respect the two following principles: maximum competition and value-for-money, and to inform the discharge authority in due course of its findings;
- **Human Resources:** Members take note that, for the last five years, the Agency hosted 12 guest scientists working at its premises. For the sake of transparency, they call on the Agency to complete publishing the
- curriculum vitae – including at least the educational and work background – of the guest scientists, in order to increase transparency;
- **Conflict of interest:** Members note that, from June 2010 until April 2011, the Executive Director of the Agency was a trustee and a member of the International Advisory Board of Earthwatch – an international environmental charity engaging people in scientific field research and education - and was reported to be a member of the European Advisory Board of Worldwatch Europe. They are seriously concerned that in 2010, while the Executive Director was directly involved with Earthwatch, 29 staff members of the Agency, including the Executive Director, went for up to 10 days of research on different biodiversity projects in the Caribbean or Mediterranean managed by Earthwatch and that the Agency paid a total of EUR 33 791,28, to the NGO as stated by the Agency's Executive Director. Commending the cooperation between the Agency and NGOs working in the environmental area, **Members recalls that even the mere appearance of conflict of interest is damaging trust in the institutions and raises concerns of taxpayers.** They call on the Agency to adopt immediately an action plan to publish on its website the declarations of interest and, when they are not available, the curriculum vitae – including at least the educational and work background – for the management staff, etc.
- **Performance:** Members acknowledge from comments in the Agency's Annual Management Plan, the Agency's efforts with various international and Union bodies, Eionet and the Scientific Committee to establish a networking structure in order to be able to maintain links to the research and scientific community, disseminate and utilise the results, particularly information and data, from research activities at European and national levels, in a more systematic way. They call on the Agency to inform in detail the budget authority, in particular the Budget Control Authority, of the evidence of the possible added value brought by the Agency's reports compared with other bodies' reports on environmental matters. They encourage the Agency to continue its efforts to further develop its communication methods in order to attract more media coverage for its findings;
- **Internal audit:** Members call on the Agency to adopt without further delay measures to **address the weaknesses found by the IAS** in its previous audits on quality management and on grant management in order to assure supervision of quality controls and to realise on-the-spot controls and verification of grants.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 10/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 329 votes to 291, with 20 abstentions, a decision to **postpone the granting of the discharge to the Executive Director of the European Environment Agency (EEA) for the 2010 financial year**. The decision also covers the postponement of the closure of the accounts of this EU agency.

The reasons for this postponement are provided in the resolution adopted the same day by 397 votes to 212, with 29 abstentions. They may be summarised as follows:

- **Budget and Financial Management:** Parliament notes that, for five months, from 22 May 2010 to October 2010, the Agency covered its building with a green façade which cost EUR 294 641 and that the contract was realised by the companies Ramboll, as general contractor, and Green Fortune. It is surprised that there has been no public tender; demands from the Agency's Director details on how the companies were chosen as contractors. It recalls that in December 2009 the Agency paid the rent for Q1 2010, thus avoiding reducing the amount to be repaid to the Commission. It therefore calls on the Agency to explain the discharge authority why it has extracted EUR 180 872 from the budget line 'Rent', while rent is a fixed sum by contract, and to provide information and written evidence on the procedures with regards to the budgetary transfers. It expects the Agency to complete all the requested actions by the end of August 2012. It notes that in December 2011 the Agency awarded a Framework Service Contract for the provision of media monitoring for 48 months, for a total value of EUR 250 000, which is much higher than the costs of similar services in the previous years. It observes that based upon this contract the Agency will spend on average EUR 62 500 per year for media monitoring and believes that **these costs are excessive** and contrary to the principle of efficient use of the taxpayers' money;
- **Carryover appropriations:** Members take note from the Agency's Final Accounts that EUR 12 809 551,05 of the 2010 appropriations have been carried forward to 2011 and that cancellation of unused payment appropriations carried over from the previous year amounted to EUR 585 282,87. They regret that the Court of Auditors did not consider the level of the Agency's appropriations carried forward and cancelled to be sufficiently high to warrant a mention in its report;
- **Procurement Procedures:** in an amendment adopted in plenary, Parliament notes the Agency's statement that the Court of Auditors has carried out in October 2011 an audit on the procurement procedures concerning canteen services, cleaning services, security services and furniture. It calls on the Agency to provide the discharge authority with the findings of this audit and its replies and actions undertaken by the end of September 2012 ;

- **Human Resources:** Parliament takes note that, for the last five years, the Agency hosted 12 guest scientists working at its premises. For the sake of transparency, they call on the Agency to complete publishing the curriculum vitae – including at least the educational and work background – of the guest scientists, in order to increase transparency;
- **Conflict of interest:** Parliament notes that, from June 2010 until April 2011, the Executive Director of the Agency was a trustee and a member of the International Advisory Board of Earthwatch - an international environmental charity engaging people in scientific field research and education - and was reported to be a member of the European Advisory Board of Worldwatch Europe. It is seriously concerned that in 2010, while the Executive Director was directly involved with Earthwatch, 29 staff members of the Agency, including the Executive Director, went for up to 10 days of research on different biodiversity projects in the Caribbean or Mediterranean managed by Earthwatch and that the Agency paid a total of EUR 33 791.28 to the NGO. In an amendment adopted in plenary, Parliament is also surprised that Worldwatch Institute Europe, founded on 5 November 2010, indicated as its address that of the Agency and used its premises as its own without any rent to the Agency, **thus using premises paid by the EU budget**. It regrets that the Director's letter of 30 April 2012 refers only to Worldwatch Institute US based and not to the Worldwatch Institute Europe which used the Agency's premises without any rent. It takes further note that the executive director of Worldwatch Institute Europe was an Agency's guest scientist. It calls on the Agency to provide the discharge authority with concrete details and documentary evidence on this matter, including the person in the Agency who authorised this, the concrete date when Worldwatch Institute Europe ceased to use the Agency's premises. Commending the cooperation between the Agency and NGOs working in the environmental area, **Parliament recalls that even the mere appearance of conflict of interest is damaging trust in the institutions and raises concerns of taxpayers**. It calls on the Agency to adopt immediately an action plan to publish on its website the declarations of interest and, when they are not available, the curriculum vitae – including at least the educational and work background – for the management staff, etc.
- **Performance:** Parliament acknowledges from comments in the Agency's Annual Management Plan, the Agency's efforts with various international and Union bodies, Eionet and the Scientific Committee to establish a networking structure in order to be able to maintain links to the research and scientific community, disseminate and utilise the results, particularly information and data, from research activities at European and national levels, in a more systematic way. It calls on the Agency to inform in detail the budget authority, in particular the Budget Control Authority, of the evidence of the possible added value brought by the Agency's reports compared with other bodies' reports on environmental matters. It encourages the Agency to continue its efforts to further develop its communication methods in order to attract more media coverage for its findings;
- **Internal audit:** Parliament calls on the Agency to adopt without further delay measures to **address the weaknesses found by the IAS** in its previous audits on quality management and on grant management in order to assure supervision of quality controls and to realise on-the-spot controls and verification of grants.

Lastly, Parliament postpones its decision concerning the discharge on the implementation of the Agency's budget until it has received the responses and seen evidence of the practical steps taken in follow up to the criticisms and requests addressed to it.

2010 discharge: European Environment Agency (EEA)

2011/2217(DEC) - 26/07/2011 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2010, as part of the 2010 discharge procedure.

Analysis of the accounts of the **European Environment Agency (EEA)**.

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2010 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 European Environment Agency (EEA).

In 2010, the tasks and budget of this agency were as follows:

- **description of the Agency's tasks:** the European Environment Agency, which is located in Copenhagen, was established by [Council Regulation \(EEC\) No 1210/90](#). It is responsible for setting up an observation network to provide the Commission, the Parliament, the Member States and, more generally, the public with reliable information on the state of the environment. This information should, in particular, enable the European Union and the Member States to take action to safeguard the environment and assess the effectiveness of such action;
- **the Agency's budget for the financial year 2010:** the Agency's 2010 budget amounted to EUR 50.6 million, compared with EUR 39.9 million the previous year. The number of staff employed by the Agency at the end of the year was 125, compared with 133 the previous year.

The complete version of EEA's final accounts may be found at the following address: <http://www.eea.europa.eu/about-us/documents/eea-accounts-for-the-year-2010>