Basic information

2011/2228(DEC) DEC - Discharge procedure	Procedure completed
2010 discharge: European Network and Information Security Agency (ENISA) **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	MACOVEI Monica (PPE)	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) EHRENHAUSER Martin (NI)	

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
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		
12/04/2012	Committee report tabled for plenary	A7-0136/2012	Summary
10/05/2012	Decision by Parliament	T7-0178/2012	Summary
10/05/2012	Results of vote in Parliament		
10/05/2012	Debate in Parliament		
10/05/2012	End of procedure in Parliament		
17/10/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/2228(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/07252

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE473.992	06/02/2012	
Amendments tabled in committee		PE483.630	07/03/2012	
Committee report tabled for plenary, single reading		A7-0136/2012	12/04/2012	Summary
Text adopted by Parliament, single reading		T7-0178/2012	10/05/2012	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	N7-0008/2012 OJ C 366 15.12.2011, p. 0015	06/09/2011	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2012/0582 OJ L 286 17.10.2012, p. 0221	Summary

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(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 Network and Information Security Agency (ENISA), together with the Agency's.

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 Network and Information Security Agency (ENISA).

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.

It considers that the **transactions underlying the annual accounts** of the Agency are, in all material respects, **legal and regular.**

The report confirms that the Agency's final 2010 budget was EUR 8.1 million and that the number of staff employed by the Agency at the end of the year was 53.

The report also makes a series of observations on the budgetary and financial management of the Agency, accompanied by the latter's response. The main observations may be summarised as follows:

The Court's observations:

- budgetary and financial management: in 2010, 52% of the Agency's operational budget was committed but not spent. For the Court, this level of carry-over is excessive and at odds with the budgetary principle of annuality;
- recruitment: with regard to staff selection procedures, neither the thresholds that candidates had to meet in order to be invited to interview nor those necessary for them to be put on the reserve list were fixed in advance. They were set by the selection board after the evaluation of the candidates. According to the Court, these practices put at risk the transparency of the recruitment procedures.

Lastly, the Court of Auditors' report contains a **summary of the Agency's activities** in 2010. This is focused in particular on 3 Multiannual thematic programme (MTP) and 2 Preparatory Action (PA):

- MTP 1: improving resilience in European electronic communication network;
- MTP 2: developing and maintaining co-operation between Member States (including international cooperation opportunities which were explored with the aim of improving the capabilities of all Members States and increasing the overall coherence of the approach to NIS at the pan-European level);
- MTP 3: identifying emerging risks for creating trust and confidence.
- PA 1: identity, accountability and trust in the future Internet: the overall goal of this Preparatory Action was to 'ensure that Europe maintains a high level of security and confidence of both users and industry on the electronic communication infrastructure and provided services, while at the same time limiting the threats to civil liberties and privacy';
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- PA 2: identifying drivers and frameworks for EU sectoral NIS Cooperation: the purpose of this PA was to clarify the question of how to get commitments from relevant actors to collective action to address NIS challenges at a pan-European level.

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(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 Network and Information Security 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.

However, the Council considers that observations made in the Court of Auditor's report call for a certain number of remarks:

- the Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts fairly present the financial position as at 31 December 2010 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 the underlying transactions for that financial year are legal and regular;
- the Council notes with concern the high amount of appropriations carried over to the next financial year. It urges the Agency to **improve its budget and recruitment planning** with a view to reducing carry-overs and to better respect the budgetary principle of annuality;
- the Council takes note of the fact that the Agency has taken measures to remedy the weaknesses identified in its selection procedures and stresses the importance of ensuring **transparency in the recruitment process**.

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(DEC) - 12/04/2012 - 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 to the Executive Director of the European Network and Information Security Agency discharge in respect of the implementation of the Agency's budget for the financial year 2010.

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the annual accounts of the European Network and Information Security Agency for the financial year 2010 are reliable and that the underlying transactions are legal and regular, Members approve the closure of the Agency’s accounts. However, they make 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 performance, financial management and control of EU agencies:

- **Budget and Financial Management**: Members recall that the payments reached the level of 76.46 % of the total appropriations managed, compared with 75.67 % in 2009 and that EUR 1 987 011 of the commitment appropriations contracted by the end of 2010 but not yet paid were carried forward to 2011. Members are also concerned that, once again, the Court of Auditors reported 52 % of carryovers from the Agency’s operational budget and they are concerned that this situation indicates delays in the implementation of the Agency’s activities. They urge the Agency to inform the discharge authority of the action taken by the Agency to address this deficiency;
- **Refund from the tax authorities of the host Member State**: Members note, once more, with disappointment, that there has been no progress on the previous year concerning the refund of EUR 45 000, which is the amount of VAT paid in advance by the Agency to the tax authorities of the host Member State. They urge the Agency, therefore, to inform the discharge authority when this refund is made by the host Member State;
- **Human Resources (HR)**: Members are concerned that, once again, the deficiencies in staff selection procedures still remain and put at risk the transparency of the procedures (the Court of Auditors reported that neither the thresholds that candidates were required to meet in order to be invited to interview nor those standards necessary in order for them to be put on the reserve list were fixed in advance by the selection boards). They urge, therefore, the Agency to address this situation and that the discharge authority should no longer accept a recurrence of this deficiency.
- Members are concerned by the fact that while the Agency has been found blameworthy by the European Data Protection Supervisor (EDPS) for breaching Regulation (EC) No 45/20011 on several occasions to the detriment of its staff, it not only did not comply with the EDPS' recommendation but moreover sued the EDPS in respect of his conclusions. They urge the Executive Director to make sure that the Agency immediately complies with the EDPS' recommendation. They call on the Court of Auditors to confirm to the discharge authority the following priorities were effectively implemented: recurrent resource planning (Staff Policy Plan); affirmative measurable measures for staff retention.
- **Internal Audit**: Members note that the Agency has an enhanced risk in its planning, accounting, budget execution, IT development and management, business continuity, stakeholder relations, external communication, and impact assessment and evaluation. They urge the Agency, therefore, to promptly establish the necessary measures to reduce the risks in the above-mentioned subjects and to take account of the IAS recommendations.

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(DEC) - 10/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a decision to grant discharge to the Executive Director of the European Network and Information Security Agency in respect of the implementation of the Agency's budget for the financial year 2010.

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the annual accounts of the Agency are reliable and that the underlying transactions are legal and regular, Parliament adopted a resolution containing a series 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 performance, financial management and control of EU agencies.

These recommendations may be summarised as follows:

- **Budget and Financial Management**: Parliament recalls that the payments reached the level of 76.46% of the total appropriations managed, compared with 75.67% in 2009 and that EUR 1 987 011 of the commitment appropriations contracted by the end of 2010 but not yet paid were carried forward to 2011. Parliament is also concerned that, once again, the Court of Auditors reported 52 % of carryovers from the Agency’s operational budget and they are concerned that this situation indicates delays in the implementation of the Agency’s activities. It urges the Agency to inform the discharge authority of the action taken by the Agency to address this deficiency;
- **Procurement procedures**: Parliament notes that in 2011 the Agency implemented ex-post controls in order to improve the internal control performance in procurement procedures;
- **Refund from the tax authorities of the host Member State**: Parliament notes, once more, with disappointment, that there has been no progress on the previous year concerning the **refund of EUR 45 000**, which is the amount of VAT paid in advance by the Agency to the tax authorities of the host Member State. It urges the Agency, therefore, to inform the discharge authority when this refund is made by the host Member State;

- **Human Resources (HR)**: Parliament is concerned that, once again, the deficiencies in staff selection procedures still remain and put at risk the transparency of the procedures (the Court of Auditors reported that neither the thresholds that candidates were required to meet in order to be invited to interview nor those standards necessary in order for them to be put on the reserve list were fixed in advance by the selection boards). It urges, therefore, the Agency to address this situation and that the discharge authority should no longer accept a recurrence of this deficiency;
- **Internal Audit**: Parliament notes that the Agency has an enhanced risk in its planning, accounting, budget execution, IT development and management, business continuity, stakeholder relations, external communication, and impact assessment and evaluation. It urges the Agency, therefore, to promptly establish the necessary measures to reduce the risks in the above-mentioned subjects and to take account of the IAS recommendations.

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(DEC) - 10/05/2012 - Final act

PURPOSE: to grant discharge to the European Network and Information Security Agency in respect of the implementation of the Agency's budget for the financial year 2010.

NON-LEGISLATIVE ACT: Decision 2012/582/EU of the European Parliament on discharge in respect of the implementation of the budget of the European Network and Information Security Agency for the financial year 2010.

CONTENT: with the present decision, and in accordance with Article 319 of the Treaty on the Functioning of the European Union, the European Parliament grants discharge to the Executive Director of ENISA for the implementation of its budget for the financial year 2010.

This decision is in line with the European Parliament's resolution adopted on 10 May 2012 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 10/05/2012).

A parallel decision, 2012/583/EU, adopted on the same day, approves the closure of this Agency's accounts for the 2010 financial year.

2010 discharge: European Network and Information Security Agency (ENISA)

2011/2228(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 Network and Information Security Agency (ENISA).**

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 Network and Information Security Agency (ENISA).

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

- **description of the Agency's tasks**: ENISA, which is located in Heraklion, Greece, was established under Regulation 460/2004/EC of the European Parliament and of the Council. Its main task is to enhance the Community's capability to prevent and respond to network and information security problems by building on national and Community efforts.
- **ENISA's budget for the 2010 financial year**: the Agency's budget for 2010 amounted to EUR 8.1 million (the same as the previous year). The number of staff employed by the Agency at the end of the year was 53 as compared with 56 the previous year.

The complete version of the Agency's final accounts may be found at the following address: http://www.enisa.europa.eu/about-enisa/accounting-finance