Basic information

2013/2209(DEC) DEC - Discharge procedure	Procedure completed
2012 discharge: European Union Agency for Fundamental Rights (FRA) **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	SARVAMAA Petri (PPE)	10/10/2013
	Shadow rapporteur KADENBACH Karin (S&D) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE) ANDREASEN Marta (ECR) DE JONG Dennis (GUE/NGL) VANHECKE Frank (EFD) EHRENHAUSER Martin (NI)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	ROITHOVÁ Zuzana (PPE)	04/11/2013

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
26/07/2013	Non-legislative basic document published	COM(2013)0570	Summary
22/10/2013	Committee referral announced in Parliament		

17/03/2014	Vote in committee		
20/03/2014	Committee report tabled for plenary	A7-0184/2014	Summary
02/04/2014	Debate in Parliament		
03/04/2014	Decision by Parliament	T7-0328/2014	Summary
03/04/2014	Results of vote in Parliament		
03/04/2014	End of procedure in Parliament		
05/09/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/2209(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/13850

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE521.660	22/01/2014	
Committee opinion	LIBE	PE524.742	24/02/2014	
Amendments tabled in committee		PE521.812	25/02/2014	
Committee report tabled for plenary, single reading		A7-0184/2014	20/03/2014	Summary
Text adopted by Parliament, single reading		T7-0328/2014	03/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05849/2014	05/02/2014	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2013)0570	26/07/2013	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary

CofA	Court of Auditors: opinion, report	N7-0038/2014 OJ C 365 13.12.2013, p. 0245	10/09/2013	Summary

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

Final act	
Budget 2014/0615 OJ L 266 05.09.2014, p. 0296	Summary

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 26/07/2013 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2012, as part of the 2012 discharge procedure.

Analysis of the accounts of the **European Fundamental Rights Agency (FRA)**.

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2012 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 Fundamental Rights Agency (FRA).

In 2012, the tasks and budget of this agency were as follows:

- **description of FRA's tasks**: the Agency, which is located in Vienna, was established by Council Regulation (EC) No 168/2007. Its main objective is to provide the relevant authorities of the Union and its Member States with assistance and expertise when implementing Union law relating to fundamental rights. The Agency’s task is to collect, record, analyse and disseminate relevant, and to formulate and publish conclusions and opinions on specific thematic topics, for the Union institutions and the Member States when implementing Union law;
- **FRA's budget for the 2012 financial year**: the Agency’s budget for 2012, as presented in the Commission document on the consolidated annual accounts of the European Union, gives the following figures:

  § **Commitment appropriations** :

  - **committed** : EUR 21 million;

  - **paid** : EUR 21 million;

  - **carried-over** : 0.

  § **Payment appropriations** :

  - **committed** : EUR 28 million;

  - **paid** : EUR 23 million;

  - **carried-over** : EUR 5 million.

Please refer also to the final accounts of the FRA.

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 20/03/2014 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Petri SARVAMAA (EPP, FI) on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2012, and called on the European Parliament to grant the Director of the Agency discharge in respect of the implementation of the Agency's budget for the financial year 2012.

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Agency for the financial year 2012 are reliable, and that the underlying transactions are legal and regular, Members approved the closure of the Agency's accounts. They made, however, a number of recommendations that needed 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.

- **Financing, budget and financial management**: Members recalled that the budget of the Agency for the financial year 2012 was EUR 20. 376 million. They noted that budget monitoring efforts during the financial year 2012 resulted in a budget implementation rate of 100 %; notes that the payment appropriations execution rate was 78.5 %. Budget implementation for operational expenditure was low at 49 % of committed appropriations, due to the multiannual nature of certain activities.

- **Legality and regularity of operations**: Members were concerned that in 2012, the Agency procured cleaning services via cascading framework contracts to two suppliers and due to a clerical error during the evaluation of offers, the ranking of the contractors was incorrect. They acknowledged that following the Court of Auditors' audit, the Agency has amended the ranking of the contractors accordingly.

- **Carryovers:** the report commended the Agency for adhering to the principle of annuality and for the timely execution of its budget.

Members also made a series of observations on transfers, procurement and recruitment procedures as well as comments on internal controls.

Lastly, they acknowledged that the Agency **would review its policy on the prevention and management of conflicts of interests** on the basis of the Commission's Guidelines on the Prevention and Management of Conflict of Interest in EU Decentralised Agencies. They called on the Agency to inform the discharge authority on the assessment results once available.

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 05/02/2014

Having examined the revenue and expenditure accounts for the financial year 2012 and the balance sheet at 31 December 2012 of the European Union Fundamental Rights Agency, as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2012, accompanied by the Agency's replies to the Court's observations, the Council recommends the European Parliament to give a discharge to the Director of the Agency in respect of the implementation of the budget for the financial year 2012.

The observations in the Court of Auditors' report call for certain comments by the Council which can be summarised as follows:

- in general, the Council welcomes the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2012 and the results of its operations and its 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.
- nonetheless, the Council regrets the weaknesses detected by the Court in relation to the procurement of a **framework contract** and takes note that the Agency has already foreseen measures to remedy the situation.
- **Control**: the Council takes note that, following a risk analysis conducted by the Agency and in line with the Court's recommendations, a formal **ex-post verification** procedure was implemented in 2013.
- **Implementation rate**: the Council welcomes the fact that, according to the Court, the implementation rate of payments of the Agency is in line with its Annual Work Programme and the multiannual nature of its operational projects.

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 10/09/2013 - Court of Auditors: opinion, report

PURPOSE: presentation of the EU Court of Auditors' report on the annual accounts of the European Fundamental Rights Agency (FRA) for the financial year 2012, 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 Fundamental Rights Agency (FRA).

In the Court's opinion, the **Agency's Annual Accounts fairly present, in all material respects, its financial position as of 31 December 2012** and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its financial rules and the accounting rules adopted by the Commission's accounting officer.

The Court also considers that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2012 are, in all material respects, **legal and regular**.

The report confirms that the resources made available for the Agency in 2012 amounted to EUR 20.4 million.

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:

- legality of transactions: in 2012, the Agency procured cleaning services via cascading framework contracts to two suppliers. Due to a clerical error during the evaluation of offers, the ranking of the contractors was incorrect. Following the Court's audit, the Agency has amended the ranking of the contractors accordingly;
- budgetary management: budget implementation for operational expenditure was low.

The Agency's replies:

- legality of transactions: the Agency stated that it corrected the clerical error in the evaluation of the offers and amended the framework contract accordingly, with the agreement of all parties involved. Moreover, the Agency is in the process of enhancing its tender and contract manager (TCM) software, which will eliminate such clerical errors in the future. Upon a request from the Commission, the Agency has agreed to provide this software to the Commission services through a service level agreement;
- budgetary management: in order to further improve its efficiency, the Agency has adopted a budgetary planning module (Budget Module) that is linked directly to the Annual Work Programme. The carry overs represent payment appropriations needed to cover existing legal commitments.

Lastly, the Court of Auditors' report contains **a summary of the Agency's activities in 2012**. This is focused on the following:

- various activities in the framework of the RAXEN network (European Information Network on Racism and Xenophobia and FRALEX (legal experts network);
- publication of reports and research;
- conferences and events;
- meetings with Member States and European and international institutions.

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 03/04/2014 - Text adopted by Parliament, single reading

The European Parliament adopted a decision concerning the discharge to be granted to the Director of the European Union Agency for Fundamental Rights (FRA) in respect of the implementation of the Agency's budget for the financial year 2012. The vote on the discharge decision approved the closure of the accounts (in accordance with Annex VI, Article 5(1) of the Rules of Procedure of the European Parliament.

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Agency for the financial year 2012 are reliable, and that the underlying transactions are legal and regular, Parliament adopted by 477 votes to 78, with 14 abstentions, a resolution containing a series of recommendations that form an integral part of the discharge decision and as well as the general recommendations that appear in the draft resolution on performance, financial management and control of EU agencies.

These recommendations are summarised as follows:

- **Financing, budget and financial management**: Parliament recalled that the budget of the Agency for the financial year 2012 was EUR 20. 376 million. It noted that budget monitoring efforts during the financial year 2012 resulted in a budget implementation rate of 100%. It noted that the payment appropriations execution rate was 78.5%. Budget implementation for operational expenditure was low at 49% of committed appropriations, due to the multiannual nature of certain activities.
- **Legality and regularity of operations**: Parliament was concerned that in 2012, the Agency procured cleaning services via cascading framework contracts to two suppliers and due to a clerical error during the evaluation of offers, the ranking of the contractors was incorrect. It acknowledged that following the Court of Auditors' audit, the Agency has amended the ranking of the contractors accordingly.
- **Carryovers**: Parliament commended the Agency for adhering to the principle of annuality and for the timely execution of its budget.
- **Performance**: Parliament requested that the Agency communicate the results and impact its work has on European citizens in an accessible way, mainly through its website.

Parliament also made a series of observations on transfers, procurement and recruitment procedures as well as comments on internal controls.

Lastly, it acknowledged that the Agency **would review its policy on the prevention and management of conflicts of interests** on the basis of the Commission's Guidelines on the Prevention and Management of Conflict of Interest in EU Decentralised Agencies. It called on the Agency to inform the discharge authority on the assessment results once available.

2012 discharge: European Union Agency for Fundamental Rights (FRA)

2013/2209(DEC) - 03/04/2014 - Final act

PURPOSE: to grant discharge to the European Union Agency for Fundamental Rights (FRA) for the financial year 2012.

NON-LEGISLATIVE ACT: Decision 2014/615/EU of the European Parliament on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2012.

CONTENT: with the present decision, the European Parliament grants discharge to the Director of the European Union Agency for Fundamental Rights for the implementation of its budget for the financial year 2012.

This decision is in line with the European Parliament's resolution adopted on 3 April 2014 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 3 April 2014).

Amongst the main observations made, Parliament requested to be informed on the assessment results on the prevention and management of conflicts of interests within the Agency.