Basic information

2016/2163(DEC) DEC - Discharge procedure	Procedure completed
2015 discharge: European Union Agency for Fundamental Rights (FRA) **Subject** 8.70.03.05 2015 discharge	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	AYALA SENDER Inés (S&D)	05/08/2016
	Shadow rapporteur ZDECHOVSKÝ Tomáš (PPE) FITTO Raffaele (ECR) ALI Nedzhmi (ALDE) DE JONG Dennis (GUE/NGL) JÁVOR Benedek (Verts/ALE) VALLI Marco (EFDD) KAPPEL Barbara (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	JEŽEK Petr (ALDE)	12/10/2016

European Commission

Commission DG	Commissioner
Budget	GEORGIEVA Kristalina

Key events

Date	Event	Reference	Summary
11/07/2016	Non-legislative basic document published	COM(2016)0475	Summary

04/10/2016	Committee referral announced in Parliament		
22/03/2017	Vote in committee		
31/03/2017	Committee report tabled for plenary	A8-0146/2017	Summary
26/04/2017	Debate in Parliament		
27/04/2017	Decision by Parliament	T8-0185/2017	Summary
27/04/2017	Results of vote in Parliament		
27/04/2017	End of procedure in Parliament		
29/09/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/2163(DEC)
Procedure type	DEC - Discharge procedure
Stage reached in procedure	Procedure completed
Committee dossier	CONT/8/07437

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE593.885	06/02/2017	
Committee opinion	LIBE	PE595.382	15/02/2017	
Amendments tabled in committee		PE600.898	07/03/2017	
Committee report tabled for plenary, single reading		A8-0146/2017	31/03/2017	Summary
Text adopted by Parliament, single reading		T8-0185/2017	27/04/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	05873/2017	07/02/2017	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2016)0475	11/07/2016	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary

CofA	Court of Auditors: opinion, report	N8-0137/2016 OJ C 449 01.12.2016, p. 0203	13/09/2016	Summary

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

Final act	
Budget 2017/1720 OJ L 252 29.09.2017, p. 0319	Summary

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 27/04/2017 - Final act

PURPOSE: to grant discharge to the European Union Agency for Fundamental Rights (FRA) for the financial year 2015.

NON-LEGISLATIVE ACT: Decision (EU) 2017/1720 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 2015.

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 2015.

This decision is in line with the European Parliament's resolution adopted on 27 April 2017 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 27 April 2017).

Amongst Parliament’s main observations in the resolution accompanying the discharge decision, the latter regretted the fact that the Agency's mandate still limits its role as regards the support for fundamental rights. It stressed that the Agency should be able to offer opinions on legislative proposals on its own initiative and that its remit should extend to all areas of rights protected under the Charter of Fundamental Rights of the European Union, including, for example, issues of police and judicial cooperation.

Parliament noted that the Agency has introduced for its staff a **practical guide on the management and prevention of conflicts of interest** and has developed an **anti-fraud strategy**. The Agency was congratulated for continuing its research on the situation of **Roma** in the Union as well as its work on the fight against **anti-Gypsyism**.

Lastly, Parliament recommended the inclusion of the proposed new thematic areas of police cooperation and judicial cooperation in criminal matters in the new Multiannual Framework, currently under negotiation.

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 13/09/2016 - 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 2015, 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 brief, the objective of the Agency 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.

Statement of assurance: pursuant to the provisions of Article 287 of the Treaty on the Functioning of the European Union (TFEU), the Court has audited:

- the annual accounts of the Agency, which comprise the financial statements and the reports on the implementation of the budget for the financial year ended 31 December 2015;
- the legality and regularity of the transactions underlying those accounts.

Opinion on the reliability of the accounts: in the Court's opinion, the Agency's annual accounts present fairly, in all material respects, its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation and the accounting rules adopted by the Commission's accounting officer.

Opinion on the legality and regularity of the transactions underlying the accounts: in the Court's opinion, the transactions underlying the annual accounts for the year ended 31 December 2015 are legal and regular in all material respects.

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 management**: the Court states that the level of carry-overs of committed appropriations remained high for operational expenditure at EUR 5 723 282, i.e.70 % (against 75 % in 2014). This results mainly from the nature of activities of the Agency which involve procuring studies that span over many months, often beyond year-end.

The Agency's replies:

- **budgetary management**: the Agency stated that it plans the carry-overs for the following year and closely monitors their evolution. It stated that the Agency's consumption of its EU subsidy over the last few years has been in excess of 99 %.

Lastly, the Court of Auditors' report contains a summary of the **Agency's activities in 2015**:

- **Budget**: EUR 21.6 million (in payment appropriations).
- **Staff**: 107 including officials, temporary and contract staff and seconded national experts.

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 11/07/2016 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2015, as part of the 2015 discharge procedure.

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

CONTENT: the organisational governance of the EU consists of institutions, agencies and other EU bodies whose expenditure is included in the general budget of the Union.

The EU's operational expenditure of these institutions takes different forms, depending on how the money is paid out and managed.

From 2014 onwards, the Commission classifies its expenditure as follows:

- **Direct management**: the budget is implemented directly by the Commission services.
- **Indirect management**: the Commission confers tasks of implementation of the budget to bodies of EU law or national law, **such as the EU agencies**.

- **Shared management**: under this method of budget implementation tasks are delegated to Member States. About 80 % of the expenditure falls under this management mode covering such areas as agricultural spending and structural actions.

This Commission document concerns the EU's consolidated accounts for the year 2015 and details how spending by the EU institutions and bodies was carried out. The consolidated annual accounts of the EU provide financial information on the activities of the institutions, agencies and other bodies of the EU from an accrual accounting and budgetary perspective.

It is the responsibility of the Commission's Accounting Officer to prepare the EU's consolidated annual accounts and ensure that they present fairly, in all material aspects, the financial position, the result of the operations and the cashflows of the EU institutions and bodies, including the European Fundamental Rights Agency (FRA), with a view to granting discharge.

Discharge procedure: the final step of a budget lifecycle is the discharge of the budget for a given financial year. It represents the political aspect of the external control of budget implementation and is the decision by which the European Parliament, acting on a Council recommendation, "releases" the Commission (and other EU bodies) from its responsibility for management of a given budget by marking the end of that budget's existence. The European Parliament is the discharge authority within the EU.

The discharge procedure may produce three outcomes: (i) the granting; (ii) postponement or; (iii) the refusal of the discharge.

The final discharge report including specific recommendations to the Commission for action is adopted in plenary by the European Parliament and are subject to an annual follow up report in which the Commission outlines the concrete actions it has taken to implement the recommendations made.

Each agency is subject to its own discharge procedure, including the European Fundamental Rights Agency (FRA).

Fundamental Rights Agency: the Agency, which is located in Vienna (AT), was established by Council Regulation (EC) No 168/2007 and aims to provide the relevant authorities of the Union and its Member States with assistance and expertise when implementing Union law relating to fundamental rights. Its task is to collect information as well as providing expert advice to the institutions on a range of issues.

As regards the Agency's accounts, these are presented in detail in the document on the consolidated annual accounts of the European Union for 2015:

Commitment appropriations:

- **committed**: EUR 22 million;
- **paid**: EUR 22 million;
- **carried**-over: 0.

Payment appropriations:

- **committed**: EUR 28 million;
- **paid**: EUR 22 million;
- **carried-over**: EUR 6 million.

For further details on expenditure, please refer to the FRA's final accounts.

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 07/02/2017 - Supplementary non-legislative basic document

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the European Union Agency for Fundamental Rights (FRA), as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2015, accompanied by the Agency's replies to the Court's observations, the Council recommended 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 2015.

The Council welcomed the Court's opinion that the Agency's annual accounts present fairly its financial position as at 31 December 2015 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 2015 are legal and regular in all material respects.

Nevertheless, it made the following remark:

- **financial programming**: the Council regretted the high level of carry-overs of commitment appropriations to 2016. It encouraged the Agency to continue improving its financial programming and monitoring of the budget implementation, in order to reduce the level of commitments carried over to the following financial year to the minimum strictly necessary.

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 31/03/2017 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Inés AYALA SENDER (S&D, ES) on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights (FRA) for the financial year 2015.

The committee 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 2015.

Noting that the Court of Auditors stated that it had obtained reasonable assurance that the annual accounts of the Agency for the financial year 2015 were reliable and that the underlying transactions were legal and regular, Members called on Parliament to approve 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:

- **Agency's financial statements**: the final budget for the financial year 2015 was EUR 21 229 000 representing no change compared to 2014.
- **Budget and financial management**: Members noted with satisfaction that budget monitoring efforts during the financial year 2015 resulted in a budget **implementation rate of 100 %,** the same as the previous year, and that the payment appropriations execution rate was 71.62 %, representing an increase of 2.17 % compared to the previous year.

Members also made a series of observations regarding commitments and carry-overs, transfers, procurement and recruitment procedures and internal audits and controls.

On the **prevention and management of conflicts** of interests: Members noted that with regard to the legal proceedings brought against the Agency before the Civil Service Tribunal in 2015, the judgement was in favour of the Agency in Case T-107/13 P and that it is in the process of recovering the legal costs from the appellant, while in Case T-658/13 P.

They acknowledged that, in addition to the Staff Regulations, the Agency has introduced for its staff a practical guide on the management and prevention of conflicts of interest, which offers wide-ranging information and advice on a variety of issues. They noted moreover that the Agency regularly provides compulsory training for staff on ethics and integrity, as well as publishes the curricula vitae and declarations of interests of all active members of its management board, scientific committee and its management team.

Lastly, they noted that the Agency developed an anti-fraud strategy, evaluating the introduction of new controls, where necessary, after a dedicated risk assessment and took note of the fact that the Agency is planning to include a standard chapter on transparency, accountability and integrity in its **annual report**.

2015 discharge: European Union Agency for Fundamental Rights (FRA)

2016/2163(DEC) - 27/04/2017 - Text adopted by Parliament, single reading

The European Parliament decided to **grant discharge** to the Director of the European Union Agency for Fundamental Rights (FRA) in respect of the implementation of the Agency' budget for the financial year 2015.

The vote on the decision on discharge covers the closure of the accounts (in accordance with Annex IV, Article 5 (1) (a) to Parliament's Rules of Procedure).

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the Agency's annual accounts for the financial year 2015 are reliable and that the underlying transactions are legal and regular, Parliament adopted by 501 votes to 114 with 6 abstentions, a resolution containing a series of recommendations, which form an integral part of the decision on discharge and which add to the general recommendations set out in the resolution on performance, financial management and control of EU agencies.

These recommendations may be summarised as follows:

- **Agency's financial statements**: Parliament noted that the final budget for the financial year 2015 was EUR 21 229 000 representing no change compared to 2014.
- **Budget and financial management**: Parliament noted with satisfaction that budget monitoring efforts during the financial year 2015 resulted in a budget implementation rate of 100 %, the same as the previous year, and that the payment appropriations execution rate was 71.62 %, representing an increase of 2.17 % compared to the previous year.

Parliament also made a series of observations regarding commitments and carry-overs, transfers, procurement and recruitment procedures and internal audits and controls.

On the **prevention and management of conflicts of interests**: Parliament noted that with regard to the legal proceedings brought against the Agency before the Civil Service Tribunal in 2015, the judgement was in **favour of the Agency** in Case T-107/13 P and that it is in the process of recovering the legal costs from the appellant, while in Case T-658/13 P.

It acknowledged that, in addition to the Staff Regulations, the Agency has introduced for its staff a practical guide on the management and prevention of conflicts of interest, which offers wide-ranging information and advice on a variety of issues. It noted moreover that the Agency regularly provides compulsory training for staff on ethics and integrity, as well as publishes the curricula vitae and declarations of interests of all active members of its management board, scientific committee and its management team.

Members noted that the Agency developed an anti-fraud strategy, evaluating the introduction of new controls, where necessary, after a dedicated risk assessment and took note of the fact that the Agency is planning to include a standard chapter on transparency, accountability and integrity in its **annual report**.

Performances: Parliament regretted that the Agency's mandate still **limits its role as regards the support for fundamental rights**. It stressed that the Agency should be able to offer opinions on legislative proposals on its own initiative and that its remit should extend to all areas of rights protected under the Charter of Fundamental Rights of the European Union, including, for example, issues of police and judicial cooperation.

Lastly, it noted that the Agency organised 60 events bringing together its key partners and stakeholders to discuss fundamental rights issues in various thematic areas and that it published its research in 32 reports and papers.

In general, Members welcomed the pro-active approach towards Parliament.