COUNCIL OF THE EUROPEAN UNION

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ADDENDUM TO "I/A" ITEM NOTE

from:	Budget Committee
to:	Permanent Representatives Committee/Council
Subject:	Discharge to be given to the bodies set up by the European Union in respect of the implementation of the budget for the financial year 2010 - Draft Council recommendations

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Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director General
of the Euratom Supply Agency
in respect of the implementation of the budget
of the Euratom Supply Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2008/114/EC, Euratom of 12 February 2008 establishing Statutes for the Euratom Supply Agency[1], and in particular Article 8(9) of the Annex thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 41, 15.2.2008, p. 15.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure account for the financial year 2010 and the balance sheet at 31 December 2010 of the Euratom Supply Agency, hereinafter referred to as the "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 [1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director General of the Agency in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 6.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

As last year, the Council notes the Court's observation that the Agency has not received a budget since 2008, whereas it should have financial autonomy according to the Treaty Establishing the European Atomic Energy Community, and that the Court asks the Commission and the Agency to take the appropriate measures to regularise this situation.

The Council takes note that, in reaction to the Court's observation, the Commission proposed the budgetary authority to allocate, from 2012 on, an appropriate amount on a specific budget line in the Commission's section of the budget.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Centre for the Development of Vocational Training
in respect of the implementation of the budget
of the European Centre for the Development of Vocational Training
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training[1], as last amended by Council Regulation (EC) No 2051/2004 of 25 October 2004[2], and in particular Article 12a(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

1 OJ L 39, 13.2.1975, p. 1.
2 OJ L 355, 1.12.2004, p. 1.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Centre for the Development of Vocational Training, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2010, accompanied by the Centre's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 127.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE CENTRE

The Council welcomes the Court's opinion that, in all material respects, the Centre'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 Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, one observation needs to be made.

The Council notes that the utilisation rate of assigned revenue resulting from contributions received from non-EU Member States was below target. Hence the Council calls upon the Centre's commitment to maximise the use of available appropriations.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Foundation for the Improvement of Living and Working Conditions
in respect of the implementation of the budget
of the European Foundation for the Improvement of Living and Working Conditions
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions[1], as last amended by Council Regulation (EC) No 1111/2005 of 24 June 2005[2], and in particular Article 16(11) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 139, 30.5.1975, p. 1.
2 OJ L 184, 15.7.2005, p. 1.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Foundation for the Improvement of Living and Working Conditions, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2010, accompanied by the Foundation's replies to the Court's observations[1],

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 150.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Environment Agency
in respect of the implementation of the budget
of the European Environment Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (codified version)[1], and in particular Article 13(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 126, 21.5.2009, p. 13.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

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, hereinafter referred to as the "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[1],

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 57.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Training Foundation
in respect of the implementation of the budget
of the European Training Foundation
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1339/2008 of the European Parliament and of the Council of 16 December 2008 establishing a European Training Foundation (recast)[1], and in particular Article 17(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 354, 31.12.2008, p. 82.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Training Foundation, hereinafter referred to as the "Foundation", as well as the Court of Auditors' report on the annual accounts of the Foundation for the financial year 2010, accompanied by the Foundation's replies to the Court's observations[1],

Whereas, following the above examination, the implementation of the budget of the Foundation is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Foundation in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 145.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Medicines Agency
in respect of the implementation of the budget
of the European Medicines Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004, laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency[1], as last amended by Regulation (EU) No 1235/2010 of the European Parliament and of the Council of 15 December 2010[2], and in particular Article 68(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 136, 30.4.2004, p. 1.
2 OJ L 348, 31.12.2010, p. 1.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Medicines Agency, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 27.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

The Council is concerned about the high amount of appropriations carried over to the next financial year. It calls upon the Agency to improve programming and monitoring of its activities with the aim to further reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council takes note that the Agency has taken action in order to remedy the weaknesses identified in its system for validating creditor claims.

Moreover, the Council welcomes the efforts made by the Agency to correct the weaknesses identified in its staff selection procedures, stressing the importance of ensuring transparency in the recruitment process.

As regards the Court's observation on the lack of a remuneration system for services provided by Member State authorities, the Council urges the Agency to ensure that measures are taken in the recommended direction.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Monitoring Centre for Drugs and Drug Addiction
in respect of the implementation of the budget
of the European Monitoring Centre for Drugs and Drug Addiction
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1920/2006 of the European Parliament and the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)[1], and in particular Article 15(9) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 376, 27.12.2006, p. 1.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Monitoring Centre for Drugs and Drug Addiction, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2010, accompanied by the Centre's replies to the Court's observations[1],

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 156.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Agency for Safety and Health at Work
in respect of the implementation of the budget
of the European Agency for Safety and Health at Work
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work[1], as last amended by Council Regulation (EC) No 1112/2005 of 24 June 2005[2], and in particular Article 14(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 216, 20.8.1994, p. 1.
2 OJ L 184, 15.7.2005, p. 5.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Agency for Safety and Health at Work, hereinafter referred to as the "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[1],

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 45.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Union Agency for Fundamental Rights
in respect of the implementation of the budget
of the European Union Agency for Fundamental Rights
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights[1], and in particular Article 21(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 53, 22.2.2007, p. 1.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Union Agency for Fundamental Rights, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 9.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, one observation needs to be made.

The Council is concerned about the Court's observation on the concentration of commitments made by the Agency in the final weeks of the year. It invites the Agency to improve its planning and implementation of the budget.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Translation Centre for the Bodies of the European Union
in respect of the implementation of the budget
of the Translation Centre for the Bodies of the European Union
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union[1], as last amended by Council Regulation (EC) No 1645/2003 of 18 June 2003[2], and in particular Article 14(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

1 OJ L 314, 7.12.1994, p. 1.
2 OJ L 245, 29.9.2003, p. 13.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the Translation Centre for the Bodies of the European Union, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2010, accompanied by the Centre's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 117.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE CENTRE

The Council welcomes the Court's opinion that, in all material respects, the Centre'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 Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council notes with satisfaction that the Centre reduced its accumulated 2009 surplus from EUR 24 million to EUR 9.2 million notably by transfers of funds to the Union's Pension Scheme and by reimbursements to clients.

The Council also welcomes the measures taken by the Centre intending to respect in the future the equilibrium between its revenue and its effectively incurred expenses and it invites the Centre to pursue this approach rigorously in the current and future years.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Maritime Safety Agency
in respect of the implementation of the budget
of the European Maritime Safety Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency[1], as last amended by Regulation (EC) No 20381/2006 of 18 December 2006[2], and in particular Article 19(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 208, 5. 8. 2002, p. 1.
2 OJ L 394, 30.12.2006, p. 1, with Corrigendum in OJ L 30, 3.2.2007, p. 12.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Maritime Safety Agency, hereinafter referred to as the "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[1],

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 52.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Aviation Safety Agency
in respect of the implementation of the budget
of the European Aviation Safety Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency[1], as last amended by Regulation (EC) No 1108/2009 of 21 October 2009[2], and in particular Article 60(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 79, 19.3.2008, p. 1.
2 OJ L 309, 24.11.2009, p. 51.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Aviation Safety Agency, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 21.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

With respect to the method applied by the Agency for the estimation of its accrued expenditure, the Council shares the Court's view on the need to apply a methodology that takes into account historical data and therefore complies with the accruals accounting principle.

Furthermore, in light of the Court's finding related to procurement procedures, the Council urges the Agency to take the necessary measures to prevent situations putting at risk the transparency of its procurement processes and the budgetary principle of sound financial management.

Finally, the Council invites the Agency to correct the weaknesses indentified in its staff selection procedures, stressing the importance of transparency during the recruitment process.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Food Safety Authority
in respect of the implementation of the budget
of the European Food Safety Authority
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety[1], as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009[2], and in particular Article 44(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 31, 1.2.2002, p. 1.
2 OJ L 188, 18.7.2009, p. 14.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Food Safety Authority, hereinafter referred to as the "Authority", as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2010, accompanied by the Authority's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Authority is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 106.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AUTHORITY

The Council welcomes the Court's opinion that, in all material respects, the Authority'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 Authority's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

As regards the review process of the Declarations of Interest of the Management Board's Members, the Councils shares the Court's opinion that a more rigorous methodology should be adopted in order to improve the completeness and transparency of this procedure.

The Council also urges the Authority to correct the weaknesses identified in its staff selection procedures.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Administrative Director
of Eurojust
in respect of the implementation of the budget
of Eurojust
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime[1], as last amended by Council Decision 2009/426/JHA of 16 December 2008[2], and in particular Article 36(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 63, 6.3.2002, p. 1.
2 OJ L 138, 4.6.2009, p. 14.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of Eurojust, as well as the Court of Auditors' report on the annual accounts of Eurojust for the financial year 2010, accompanied by Eurojust's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of Eurojust is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Administrative Director of Eurojust in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 140.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO EUROJUST

The Council welcomes the Court's opinion that, in all material respects, Eurojust'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 Eurojust's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges Eurojust to improve its financial programming and monitoring of the budget implementation, with the aim to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

Furthermore, the Council invites Eurojust to determine with precision the roles and responsibilities of both its Director and its College in order to avoid any accountability overlap vis-à-vis the discharge authority.

Finally, the Council regrets the irregularities detected by the Court as regards both procurement and recruitment decisions. It recognises, however, the efforts already made in reducing the rate of vacant posts.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Network and Information Security Agency
in respect of the implementation of the budget
of the European Network and Information Security Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency[1], as amended by Regulation (EU) No 580/2011 of the European Parliament and of the Council of 8 June 2011[2], and in particular Article 17(11) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

1 OJ L 77, 13.3.2004, p. 1.
2 OJ L 165, 24.6.2011, p. 3.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

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, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 15.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

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.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Centre for Disease Prevention and Control
in respect of the implementation of the budget
of the European Centre for Disease Prevention and Control
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control[1], and in particular Article 23(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

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1 OJ L 142, 30.4.2004, p. 1.
2 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
3 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Centre for Disease Prevention and Control, hereinafter referred to as the "Centre", as well as the Court of Auditors' report on the annual accounts of the Centre for the financial year 2010, accompanied by the Centre's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Centre is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the Centre in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 122.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE CENTRE

The Council welcomes the Court's opinion that, in all material respects, the Centre'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 Centre's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

As in the previous year, the Council notes with concern that the level of carry-overs still remains high. Therefore, it urges the Centre to intensify its efforts to improve its planning and implementation of the budget, in line with the budgetary principle of annuality.

Moreover, the Council calls on the Centre to correct the weaknesses identified in its staff selection procedures, stressing the importance of ensuring transparency in the recruitment process.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Railway Agency
in respect of the implementation of the budget
of the European Railway Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency[1], as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008[2], and in particular Article 39(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

1 OJ L 164, 30.4.2004, p. 1, with Corrigendum in OJ L 220, 21.6.2004, p. 3.
2 OJ L 354, 31.12.2008, p. 51.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Railway Agency, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 100.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, one observation needs to be made.

The Council regrets that the volume of appropriations carried over to the next financial year was again considerably high. Therefore, it reiterates its call on the Agency to improve its financial programming, in order to limit those carry-overs to the minimum necessary, in line with the budgetary principle of annuality.

Draft COUNCIL RECOMMENDATION

of

on the discharge to be given to the Executive Director

of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

in respect of the implementation of the budget

of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[1], as last amended by Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011[2], and in particular Article 30(9) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 349, 25.11.2004, p. 1.
2 OJ L 304, 22.11.2011, p. 1.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 39.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

As in previous years, the Council invites the Agency to improve its planning and monitoring of activities in order to reduce the high amount of appropriations carried over to the next financial year, in line with the budgetary principle of annuality.

Moreover, the Council encourages the Agency to tackle the weaknesses detected in the system for reconciling suppliers' statements with the corresponding records at the Agency.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Police College
in respect of the implementation of the budget
of the European Police College
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College[1], and in particular Article 16(9) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 256, 1.10.2005, p. 63.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Police College, hereinafter referred to as the "College", as well as the Court of Auditors' report on the annual accounts of the College for the financial year 2010, accompanied by the College's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the College is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of the College in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 134.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE COLLEGE

The Council welcomes the Court's opinion that, in all material respects, the College'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 College's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, some observations need to be made.

The Council urges the College to improve its financial programming and monitoring of the budget implementation, with the aim to reduce the amounts carried over to the next financial year, in line with the budgetary principle of annuality.

The Council is concerned about the lack of rigour in the College's process of approving cost claims related to the organisation of courses and seminars, particularly with regard to the completeness of supporting evidence. It invites the College to review and improve its internal financial procedures.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European GNSS Agency
in respect of the implementation of the budget
of the European GNSS Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency[1], repealing Council Regulation (EC) No 1321/2004 of 12 July 2004[2], and in particular Article 14(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 276, 20.10.2010, p. 11.
2 OJ L 246, 20.7.2004, p. 1, with Corrigendum in OJ L 6, 11.1.2007, p. 10.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European GNSS Agency, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 112.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

The Council regrets the Court's qualified opinion as regards tangible fixed assets related to the Galileo programme which were purchased by the Agency and have been recorded as research expenditure, but should have instead been classified as assets held for transfer. The Council is concerned about the resulting understatement of the Agency's assets and of its economic outturn account for a considerable amount. It urges the Agency to remedy this understatement without delay, and to establish a correct classification of these assets. In addition, it asks the Agency to urgently determine the status of the amount held by the Agency in respect of technical support from the European Space Agency.

The Council notes with concern the weaknesses identified by the Court in the Agency's grant procedures. It calls on the Agency to clearly distinguish between selection and award criteria in its evaluations, and to systematically assess the applicants' financial capacity.

Moreover, the Council regrets that the Agency did not detect errors in cost claims submitted by beneficiaries of certain grant agreements. It stresses the importance of verifying the compliance with existing rules for the calculation of costs.

Furthermore, the Council is concerned about delays in the implementation of grants managed by the Agency. It insists on a careful evaluation of the related activities before deciding on any amendments to existing grant contracts.

Finally, the Council regrets that the Agency has again put at risk the transparency of recruitment procedures by not determining thresholds to be met in order to be invited to written tests and interviews or for inclusion on the list of suitable candidates.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the Community Fisheries Control Agency
in respect of the implementation of the budget
of the Community Fisheries Control Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency[1], as amended by Council Regulation (EC) No 1224/2009 of 20 November 2009[2], and in particular Article 36(11) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

1 OJ L 128, 21.5.2005, p. 1.
2 OJ L 343, 22.12.2009, p. 1.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the Community Fisheries Control Agency, hereinafter referred to as the "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[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 1.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, some observations need to be made.

The Council calls on the Agency to respect the budgetary principle of annuality and to ensure that procurement documents are duly signed and dated.

Moreover, the Council calls on the Centre to correct the weaknesses identified in its staff selection procedures, stressing the importance of ensuring transparency in the recruitment process.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Executive Director
of the European Chemicals Agency
in respect of the implementation of the budget
of the European Chemicals Agency
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 establishing a European Chemicals Agency[1], as last amended by Commission Regulation (EU) No 494/2011 of 20 May 2011[2], and in particular Article 97(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[3], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[4], and in particular Article 185(2) thereof,

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1 OJ L 396, 30.12.2006, p. 1, with Corrigenda in OJ L 136, 29.5.2007, p. 3, OJ L 141, 31.5.2008, p. 22 and OJ L 36, 5.2.2009, p. 84.
2 OJ L 134, 21.5.2011, p. 2, with Corrigendum in OJ L 136, 24.5.2011, p. 105.
3 OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
4 OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Chemicals Agency, hereinafter referred to as the "Agency", and the report by the Court of Auditors on the annual accounts of the Agency for the financial year 2010, accompanied by the Agency's replies to the Court's observations[1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Agency is such as to allow a discharge to be given in respect of that implementation,

HEREBY 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.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 33.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO THE AGENCY

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. Nevertheless, one observation needs to be made.

The Council notes that the Agency has become fully self-financing. It invites the Commission and the Agency to present proposals for a revision of the Financial Regulation in order to include a mechanism for retaining and managing surplus own revenue to finance the Agency's future activities.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Institute for Gender Equality
in respect of the implementation of the budget
of the European Institute for Gender Equality
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 establishing a European Institute for Gender Equality[1], and in particular Article 97(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 403, 30.12.2006, p. 9.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Institute for Gender Equality, hereinafter referred to as the "Institute", and the report by the Court of Auditors on the annual accounts of the Institute for the financial year 2010, accompanied by the Institute's replies to the Court's observations[1],

Whereas, following the above examination, the implementation of the budget of the Institute is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Executive Director of the Institute in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p. 173.

Draft COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Police Office
in respect of the implementation of the budget
of the European Police Office
for the financial year 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)[1], and in particular Article 43(10) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the financial regulation applicable to the general budget of the European Communities[2], as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010[3], and in particular Article 185(2) thereof,

[1] OJ L 121, 15.5.2009, p. 37.
[2] OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and OJ L 99, 14.4.2007, p. 18.
[3] OJ L 311, 26.11.2010, p. 9.

Having examined the revenue and expenditure accounts for the financial year 2010 and the balance sheet at 31 December 2010 of the European Police Office, hereinafter referred to as "Europol", as well as the Court of Auditors' report on the annual accounts of Europol for the financial year 2010, accompanied by Europol's replies to the Court's observations [1],

Whereas the observations in the Court of Auditors' report in relation to the financial year 2010 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to those comments being followed up,

Whereas, following the above examination, the implementation of the budget of Europol is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS the European Parliament to give a discharge to the Director of Europol in respect of the implementation of the budget for the financial year 2010.

Done at Brussels,

For the Council
The President

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[1] OJ C 366, 15.12.2011, p.179.

COMMENTS ACCOMPANYING THE COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO EUROPOL

The Council welcomes the Court's opinion that, in all material respects, Europol'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 Europol's Financial Regulation, and that the underlying transactions for that financial year are legal and regular. Nevertheless, one observation needs to be made.

The Council recommends Europol to improve its financial programming and monitoring of the budget implementation, with the aim to reduce the appropriations carried over to the next financial year, in line with the budgetary principle of annuality.