

ANNEXES

ANNEX 1: Statement of the Resources Director

I declare that in accordance with the Commission's communication on clarification of the responsibilities of the key actors in the domain of internal audit and internal control in the Commission¹, I have reported my advice and recommendations to the Director-General on the overall state of internal control in the DG.

I hereby certify that the information provided in Section 2 of the present AAR and in its annexes is, to the best of my knowledge, accurate and exhaustive.

Brussels, 21 March 2016

(Signed)

Isabelle Bénoliel

¹ Communication to the Commission: Clarification of the responsibilities of the key actors in the domain of internal audit and internal control in the Commission; SEC(2003)59 of 21.1.2003.

ANNEX 2: Human and financial resources

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| Human Resources by ABB activity | | | | |
|---------------------------------|---|--------------------------|--------------------|------------|
| Code ABB Activity | ABB Activity | Establishment Plan posts | External Personnel | Total |
| 03 AWBL-01 | Administrative support | 81 | 45 | 126 |
| 03 AWBL-02 | Policy, Coordination, ECN and International Cooperation | 126 | 2 | 128 |
| 03 AWBL-03 | Control of State aid | 218 | 28 | 244 |
| 03 AWBL-04 | Merger control | 116 | 10 | 126 |
| 03 AWBL-05 | Cartels, Antitrust and liberalisation | 261 | 27 | 286 |
| Total | | 802 | 112 | 914 |

General remark: the above data rely on the snapshot of Commission personnel actually employed in each DG/service as of 31 December of the reporting year. These data do not necessarily constitute full-time-equivalents throughout the year.

Detail of execution of other administrative expenditures within the global envelope (EUR)²

| Other management expenditures | | | | |
|--|------------------|------------------|------------------|---------------|
| | Appropriations | Commitments | Payments | % Execution |
| Other management expenditures | 7.602.853 | | | |
| Missions | | 856.000 | 804.282 | |
| Representation expenses | | 8.000 | 5.660 | |
| Meetings and experts groups expenses | | 720.000 | 624.259 | |
| Conferences | | 205.521 | 128.051 | |
| Meetings of committees | | 85.000 | 65.065 | |
| Studies and consultations | | 2.619.477 | 102.602 | |
| Information and management systems | | 2.766.435 | 529.401 | |
| Further training and management training | | 318.424 | 204.677 | |
| | 7.602.853 | 7.578.857 | 2.463.997 | 99,68% |

² Excluding co-delegated appropriations.

ANNEX 3: Financial reports – Financial Year 2015³

Annex 3 Financial Reports – DG COMP – Financial Year 2015

Table 1 : Commitments

Table 2 : Payments

Table 3 : Commitments to be settled

Table 4 : Balance Sheet

Table 5 : Statement of Financial Performance

Table 6 : Average Payment Times

Table 7 : Income

Table 8 : Recovery of undue Payments

Table 9 : Ageing Balance of Recovery Orders

Table 10 : Waivers of Recovery Orders

Table 11 : Negotiated Procedures (excluding Building Contracts)

Table 12 : Summary of Procedures (excluding Building Contracts)

Table 13 : Building Contracts

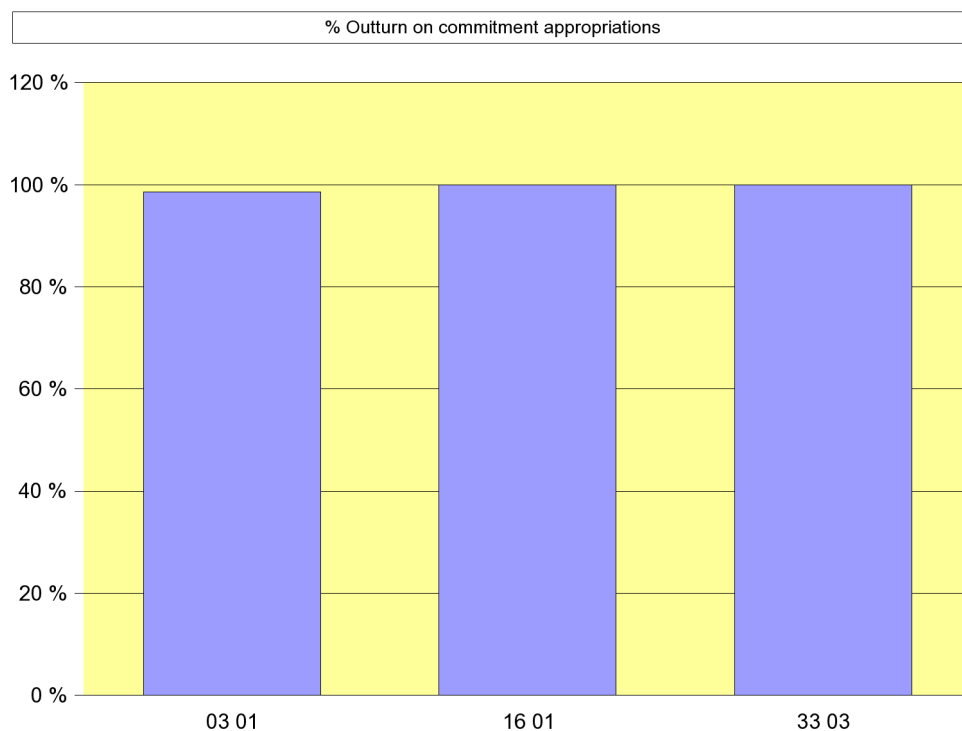
Table 14 : Contracts declared Secret

³ The figures are those related to the provisional accounts and not yet audited by the Court of Auditors.

Additional comments

| TABLE 1: OUTTURN ON COMMITMENT APPROPRIATIONS IN 2015 (in Mio €) | | | | | |
|---|-------|---|--------------------------------------|------------------|---------|
| | | | Commitment appropriations authorised | Commitments made | % |
| | | | 1 | 2 | 3=2/1 |
| Title 03 Competition | | | | | |
| 03 | 03 01 | Administrative expenditure of the 'Competition' policy area | 8,01 | 7,9 | 98,63% |
| Total Title 03 | | | 8,01 | 7,9 | 98,63% |
| Title 16 Communication | | | | | |
| 16 | 16 01 | Administrative expenditure of the 'Communication' policy area | 0,12 | 0,12 | 100,00% |
| Total Title 16 | | | 0,12 | 0,12 | 100,00% |
| Title 33 Justice | | | | | |
| 33 | 33 03 | Justice | 1 | 1 | 100,00% |
| Total Title 33 | | | 1 | 1 | 100,00% |
| Total DG COMP | | | 9,13 | 9,02 | 98,79% |

* Commitment appropriations authorised include, in addition to the budget voted by the legislative authority, appropriations carried over from the previous exercise, budget amendments as well as miscellaneous commitment appropriations for the period (e.g. internal and external assigned revenue).



| TABLE 2: OUTTURN ON PAYMENT APPROPRIATIONS IN 2015 (in Mio €) | | | | | |
|---|-------|---|-------------------------------------|---------------|--------|
| Chapter | | | Payment appropriations authorised * | Payments made | % |
| | | | 1 | 2 | 3=2/1 |
| Title 03 Competition | | | | | |
| 03 | 03 01 | Administrative expenditure of the 'Competition' policy area | 12,02 | 6,3 | 52,42% |
| Total Title 03 | | | 12,02 | 6,3 | 52,42% |
| Title 16 Communication | | | | | |
| 16 | 16 01 | Administrative expenditure of the 'Communication' policy area | 0,15 | 0,08 | 54,35% |
| Total Title 16 | | | 0,15 | 0,08 | 54,35% |
| Total DG COMP | | | 12,17 | 6,38 | 52,44% |

* Payment appropriations authorised include, in addition to the budget voted by the legislative authority, appropriations carried over from the previous exercise, budget amendments as well as miscellaneous payment appropriations for the period (e.g. internal and external assigned revenue).

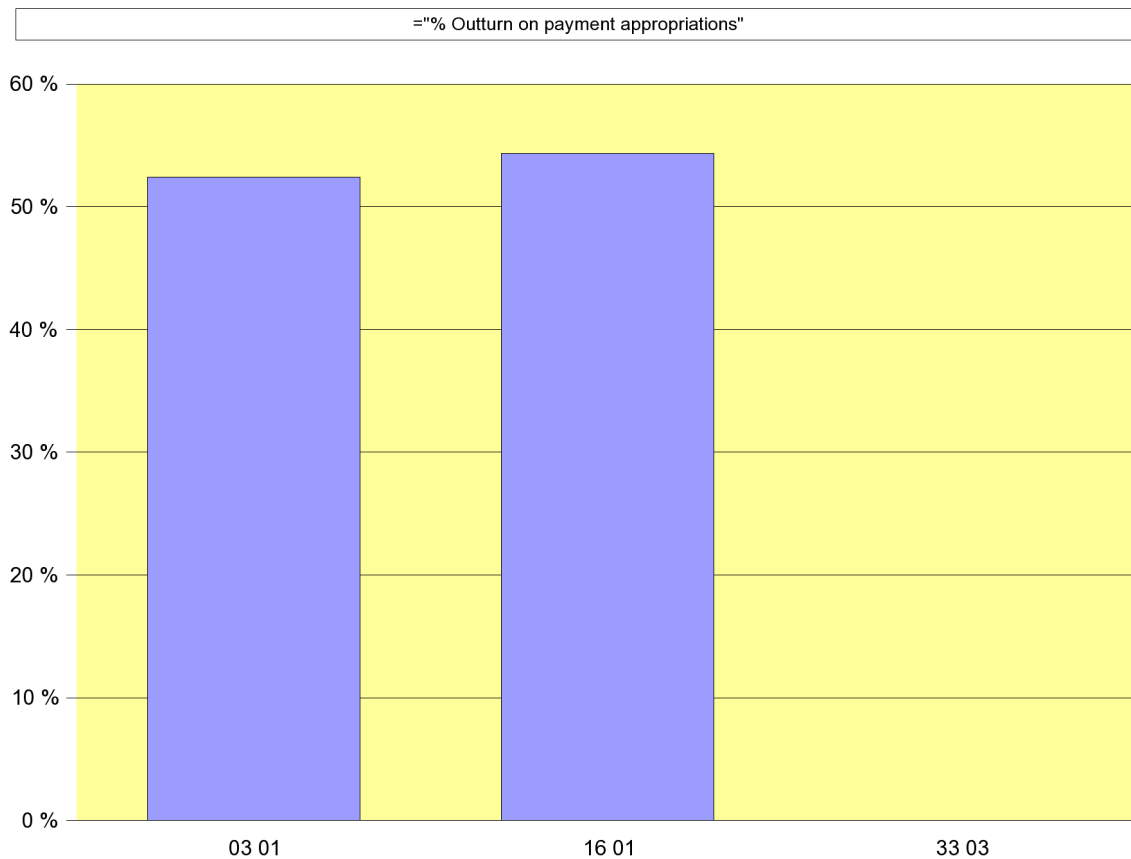


TABLE 3 : BREAKDOWN OF COMMITMENTS TO BE SETTLED AT 31/12/2015 (in Mio €)

| Chapter | | | 2015 Commitments to be settled | | | | Commitments to be settled from financial years previous to 2015 | Total of commitments to be settled at end of financial year 2015 (incl corrections) | Total of commitments to be settled at end of financial year 2014(incl. corrections) |
|---------------------------------|-------|---|--------------------------------|---------------|----------|-----------------|---|---|---|
| | | | Commitments 2015 | Payments 2015 | RAL 2015 | % to be settled | | | |
| | | | 1 | 2 | 3=1-2 | 4=1-2/1 | 5 | 6=3+5 | 7 |
| Title 03 : Competition | | | | | | | | | |
| 03 | 03 01 | Administrative expenditure of the 'Competition' policy area | 7,9 | 2,67 | 5,24 | 66,27% | 0,00 | 5,24 | 4,00 |
| Total Title 03 | | | 7,9 | 2,67 | 5,24 | 66,27% | 0 | 5,24 | 4 |
| Title 16 : Communication | | | | | | | | | |
| 16 | 16 01 | Administrative expenditure of the 'Communication' policy area | 0,12 | 0,05 | 0,07 | 58,33% | 0,00 | 0,07 | 0,03 |
| Total Title 16 | | | 0,12 | 0,05 | 0,07 | 58,33% | 0 | 0,07 | 0,03 |
| Title 33 : Justice | | | | | | | | | |
| 33 | 33 03 | Justice | 1 | 0,00 | 1 | 100,00% | 0,00 | 1,00 | 0,00 |
| Total Title 33 | | | 1 | 0,00 | 1 | 100,00% | 0 | 1 | 0 |
| Total DG COMP | | | 9,02 | 2,71 | 6,31 | 69,91% | 0 | 6,31 | 4,04 |

"Breakdown of Commitments remaining to be settled (in Mio EUR)"

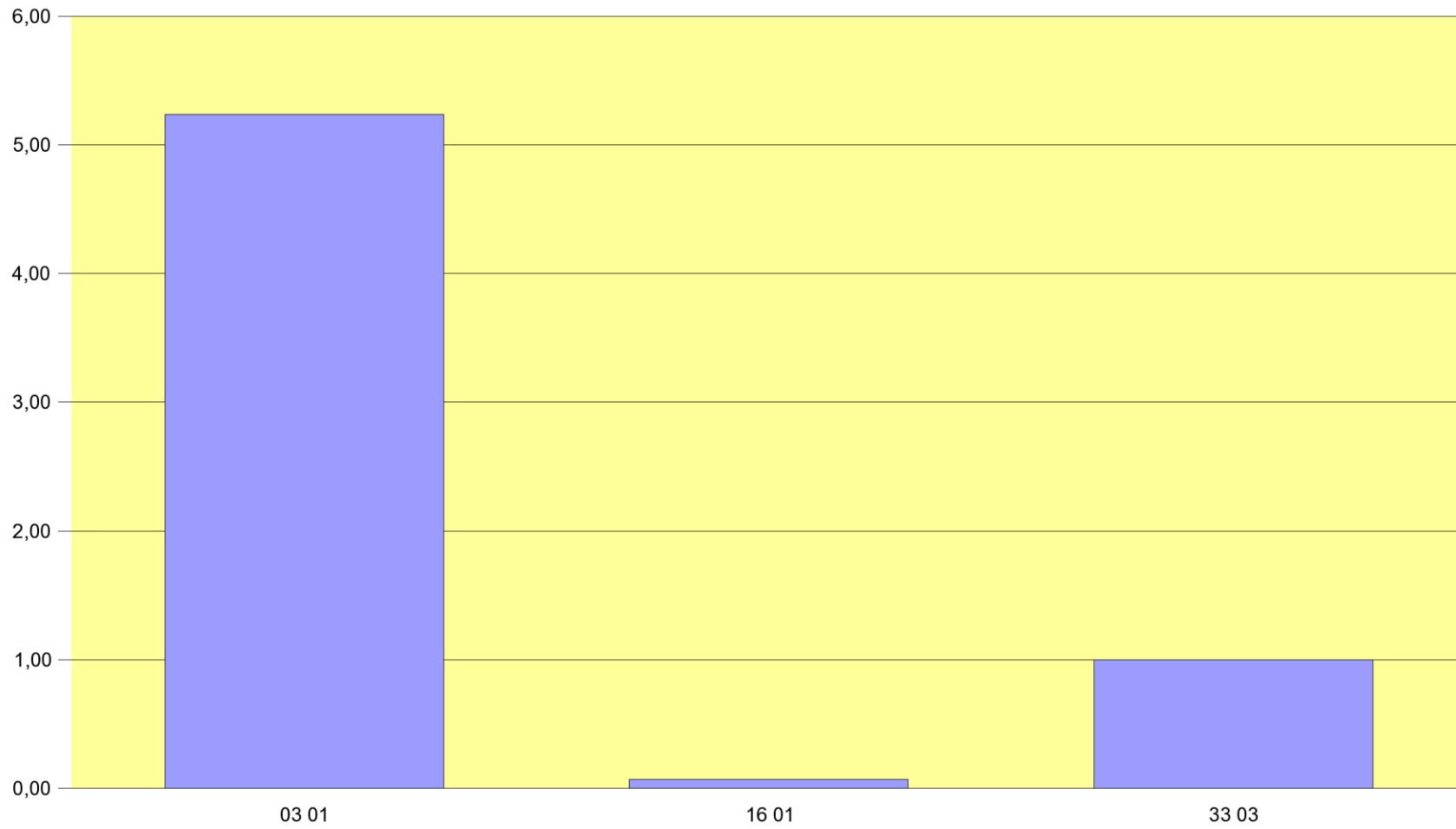


TABLE 4 : BALANCE SHEET

| BALANCE SHEET | 2015 | 2014 |
|---|-------------------------|-------------------------|
| A.I. NON CURRENT ASSETS | 890.216,73 | 890.216,73 |
| A.I.1. Intangible Assets | 830.204,44 | 830.204,44 |
| A.I.6. Non-Current Pre-Financing | 60.012,29 | 60.012,29 |
| A.I.7. OLD LT Pre-Financing | | 0,00 |
| A.II. CURRENT ASSETS | 3.957.464.729,78 | 5.445.876.503,47 |
| A.II.2. Current Pre-Financing | -530.479,41 | -496.243,54 |
| A.II.4. Exchange Receivables | 2.834.945,13 | 2.840.509,92 |
| A.II.5. Non-Exchange Receivables | 3.955.160.264,06 | 5.443.532.237,09 |
| ASSETS | 3.958.354.946,51 | 5.446.766.720,2 |
| P.III. CURRENT LIABILITIES | -5.145.864,35 | -31.495.077,12 |
| P.III.2. Short-term provisions | -3.554.649,50 | -29.962.429,50 |
| P.III.4. Accounts Payable | -733.416,84 | -674.849,61 |
| P.III.5. Accrued charges and deferred incom | -857.798,01 | -857.798,01 |
| LIABILITIES | -5.145.864,35 | -31.495.077,12 |
| | | |
| NET ASSETS (ASSETS less LIABILITIES) | 3.953.209.082,16 | 5.415.271.643,08 |
| | | |
| P.I.2. Accumulated Surplus / Deficit | -4.221.916.493,3 | -2.368.109.723,63 |
| | | |
| Non-allocated central (surplus)/deficit* | 268.707.411,14 | -3.047.161.919,45 |
| | | |
| TOTAL | 0,00 | 0,00 |

It should be noted that the balance sheet and statement of financial performance presented in Annex 3 to this Annual Activity Report, represent only the assets, liabilities, expenses and revenues that are under the control of this Directorate General. Significant amounts such as own resource revenues and cash held in Commission bank accounts are not included in this Directorate General's accounts since they are managed centrally by DG Budget, on whose balance sheet and statement of financial performance they appear. Furthermore, since the accumulated result of the Commission is not split amongst the various Directorates General, it can be seen that the balance sheet presented here is not in equilibrium.

Additionally, the figures included in tables 4 and 5 are provisional since they are, at this date, still subject to audit by the Court of Auditors. It is thus possible that amounts included in these tables may have to be adjusted following this audit.

TABLE 5 : STATEMENT OF FINANCIAL PERFORMANCE

| STATEMENT OF FINANCIAL PERFORMANCE | 2015 | 2014 |
|---|------------------------|--------------------------|
| II.1 REVENUES | -394.604.387,35 | -2.241.851.984,28 |
| II.1.1. NON-EXCHANGE REVENUES | -394.531.000 | -2.241.470.126,18 |
| II.1.1.4. FINES | -394.531.000,00 | -2.239.582.508,00 |
| II.1.1.6. OTHER NON-EXCHANGE REVE | | -1.887.618,18 |
| II.1.2. EXCHANGE REVENUES | -73.387,35 | -381.858,1 |
| II.1.2.2. OTHER EXCHANGE REVENUE | -73.387,35 | -381.858,10 |
| II.2. EXPENSES | 925.021.144,42 | 388.045.214,61 |
| II.2. EXPENSES | 925.021.144,42 | 388.045.214,61 |
| II.2.10. OTHER EXPENSES | 905.403.085,68 | 387.701.655,33 |
| II.2.2. EXP IMPLEM BY COMMISS&EX.AG | 967.192,48 | 805.837,07 |
| II.2.6. STAFF AND PENSION COSTS | -588.406,40 | -462.277,79 |
| II.2.8. FINANCE COSTS | 19.239.272,66 | |
| STATEMENT OF FINANCIAL PERFORMANCE | 530.416.757,07 | -1.853.806.769,67 |

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Additionally, the figures included in tables 4 and 5 are provisional since they are, at this date, still subject to audit by the Court of Auditors. It is thus possible that amounts included in these tables may have to be adjusted following this audit.

TABLE 6: AVERAGE PAYMENT TIMES FOR 2015 - DG COMP

| Legal Times | | | | | | | |
|------------------------------------|---------------------------------|--|-------------------|-------------------------------------|-----------------------------|-------------------|-------------------------------------|
| Maximum Payment Time (Days) | Total Number of Payments | Nbr of Payments within Time Limit | Percentage | Average Payment Times (Days) | Nbr of Late Payments | Percentage | Average Payment Times (Days) |
| 30 | 483 | 470 | 97,31% | 15,27 | 13 | 2,69% | 35,69 |
| 45 | 20 | 5 | 25,00% | 18,2 | 15 | 75,00% | 89,53 |
| 60 | 12 | 12 | 100,00% | 28,5 | | | |
| 90 | 11 | 9 | 81,82% | 80,11 | 2 | 18,18% | 98 |

| | | | | | | | |
|---------------------------------|--------------|------------|---------------|-------------|-----------|--------------|--------------|
| Total Number of Payments | 526 | 496 | 94,30% | | 30 | 5,70% | |
| Average Payment Time | 19,65 | | | 16,8 | | | 66,77 |

| Target Times | | | | | | | |
|-----------------------------------|---------------------------------|---|-------------------|-------------------------------------|-----------------------------|-------------------|-------------------------------------|
| Target Payment Time (Days) | Total Number of Payments | Nbr of Payments within Target Time | Percentage | Average Payment Times (Days) | Nbr of Late Payments | Percentage | Average Payment Times (Days) |
| 30 | 129 | 113 | 87,60% | 15,3 | 16 | 12,40% | 86,19 |
| 75 | 11 | 1 | 9,09% | 56 | 10 | 90,91% | 86,1 |

| | | | | | | | |
|---------------------------------|--------------|------------|---------------|--------------|-----------|----------------|--------------|
| Total Number of Payments | 140 | 114 | 81,43% | | 26 | 18,57 % | |
| Average Payment Time | 28,75 | | | 15,66 | | | 86,15 |

| Suspensions | | | | | | | |
|--|--|-------------------------------------|--------------------------|---------------------------------|-------------------------------------|--------------------------|--------------------------|
| Average Report Approval Suspension Days | Average Payment Suspension Days | Number of Suspended Payments | % of Total Number | Total Number of Payments | Amount of Suspended Payments | % of Total Amount | Total Paid Amount |
| 0 | 48 | 33 | 6,27% | 526 | 608.934,22 | 8,52% | 7.144.391,27 |

| Late Interest paid in 2015 | | | |
|-----------------------------------|-------------------|--|---------------------|
| DG | GL Account | Description | Amount (Eur) |
| COMP | 65010100 | Interest on late payment of charges New FR | 8 161,02 |
| | | | 8 161,02 |

TABLE 7 : SITUATION ON REVENUE AND INCOME IN 2015

| Chapter | | Revenue and income recognized | | | Revenue and income cashed from | | | Outstanding balance |
|----------------------|--|-------------------------------|-------------------------|-------------------------|--------------------------------|-------------------------|-------------------------|-------------------------|
| | | Current year RO | Carried over RO | Total | Current Year RO | Carried over RO | Total | |
| | | 1 | 2 | 3=1+2 | 4 | 5 | 6=4+5 | |
| 57 | OTHER CONTRIBUTIONS AND REFUNDS IN CONNECTION WITH THE ADMINISTRATIVE OPERATION OF THE INSTITUTION | 130.000 | 0 | 130.000 | 130.000 | 0 | 130.000 | 0 |
| 66 | OTHER CONTRIBUTIONS AND REFUNDS | 9.640,45 | 2.811.548,42 | 2.821.188,87 | 9.640,45 | 5.564,79 | 15.205,24 | 2.805.983,63 |
| 71 | FINES | 239.156.067,2 | 8.002.867.599,32 | 8.242.023.666,52 | 34.252.627,2 | 1.435.356.236,08 | 1.469.608.863,28 | 6.772.414.803,24 |
| Total DG COMP | | 239.295.707,65 | 8.005.679.147,74 | 8.244.974.855,39 | 34.392.267,65 | 1.435.361.800,87 | 1.469.754.068,52 | 6.775.220.786,87 |

TABLE 8 : RECOVERY OF PAYMENTS
(Number of Recovery Contexts and corresponding Transaction Amount)

| 1. INCOME BUDGET RECOVERY ORDERS ISSUED IN 2015 Year of Origin (commitment) | Total undue payments recovered | | Total transactions in recovery context (incl. non- qualified) | | % Qualified/Total RC | |
|---|-----------------------------------|-----------|---|-----------------------|----------------------|-----------|
| | Nbr | RO Amount | Nbr | RO Amount | Nbr | RO Amount |
| | 2011 | | | 3 | 9.640,45 | |
| No Link | | | 39 | 394.531.000,00 | | |
| Sub-Total | | | 42 | 394.540.640,45 | | |

| EXPENSES BUDGET | Error | | Irregularity | | OLAF Notified | | Total undue payments recovered | | Total transactions in recovery context (incl. non-qualified) | | % Qualified/Total RC | |
|--------------------------------|-------|--------|--------------|--------|---------------|--------|-----------------------------------|--------|--|-------------------|----------------------|--------|
| | Nbr | Amount | Nbr | Amount | Nbr | Amount | Nbr | Amount | Nbr | Amount | Nbr | Amount |
| INCOME LINES IN INVOICES | | | | | | | | | | | | |
| NON ELIGIBLE IN COST CLAIMS | | | | | | | | | 16 | 192.736,78 | | |
| CREDIT NOTES | | | | | | | | | 14 | 68.014,58 | | |
| Sub-Total | | | | | | | | | 30 | 260.751,36 | | |

| | | | | | | | | | | | | |
|--------------------|--|--|--|--|--|--|--|--|-----------|-----------------------|--|--|
| GRAND TOTAL | | | | | | | | | 72 | 394.801.391,81 | | |
|--------------------|--|--|--|--|--|--|--|--|-----------|-----------------------|--|--|

TABLE 9: AGEING BALANCE OF RECOVERY ORDERS AT 31/12/2015 FOR COMP

| | Number at 01/01/2015 | Number at 31/12/2015 | Evolution | Open Amount (Eur) at 01/01/2015 | Open Amount (Eur) at 31/12/2015 | Evolution |
|------|-------------------------|-------------------------|-----------|---------------------------------------|---------------------------------------|-----------|
| 2003 | 1 | 1 | 0,00% | 1.060.000,00 | 1.060.000,00 | 0,00% |
| 2004 | 2 | 1 | -50,00% | 28.822.500,00 | 1.822.500,00 | -93,68% |
| 2005 | 1 | 1 | 0,00% | 17.850.000,00 | 17.850.000,00 | 0,00% |
| 2006 | 3 | 1 | -66,67% | 233.799.250,00 | 11.500.000,00 | -95,08% |
| 2007 | 6 | 3 | -50,00% | 327.627.700,00 | 173.008.500,00 | -47,19% |
| 2008 | 11 | 4 | -63,64% | 659.294.726,46 | 415.900.000,00 | -36,92% |
| 2009 | 27 | 21 | -22,22% | 1.268.339.284,95 | 1.227.601.565,74 | -3,21% |
| 2010 | 70 | 61 | -12,86% | 1.790.514.977,53 | 1.225.859.925,53 | -31,54% |
| 2011 | 8 | 8 | 0,00% | 171.129.194,00 | 171.129.194,00 | 0,00% |
| 2012 | 42 | 36 | -14,29% | 1.753.682.242,00 | 1.695.952.242,00 | -3,29% |
| 2013 | 18 | 18 | 0,00% | 691.752.000,00 | 691.752.000,00 | 0,00% |
| 2014 | 52 | 44 | -15,38% | 1.061.807.272,80 | 936.881.419,60 | -11,77% |
| 2015 | | 46 | | | 204.903.440,00 | |
| | 241 | 245 | 1,66% | 8.005.679.147,74 | 6.775.220.786,87 | -15,37% |

TABLE 10 : RECOVERY ORDER WAIVERS IN 2015 >= EUR 100.000

| | Waiver Central Key | Linked RO Central Key | RO Accepted Amount (Eur) | LE Account Group | Commission Decision | Comments |
|---|--------------------|-----------------------|--------------------------|-------------------|---------------------|----------|
| 1 | 3233150181 | 3241011325 | -1.098.014,80 | Private Companies | see below | |
| 2 | 3233150186 | 3240913351 | -6.002.000,00 | Private Companies | see below | |

| | |
|--|--|
| | |
|--|--|

| | |
|-----------------------------|----------|
| Number of RO waivers | 2 |
|-----------------------------|----------|

1. Commission decision C(2015)7422 of 3 November 2015 due to insolvency of the debtor
2. Commission decision C(2015)8785 of 11 December 2015 due to insolvency of the debtor

TABLE 11 : CENSUS OF NEGOTIATED PROCEDURES - DG COMP - 2015

| Negotiated Procedure Legal base | Number of Procedures | Amount (€) |
|--|-----------------------------|-------------------|
| | | |
| Total | | |

No data to be reported

TABLE 12 : SUMMARY OF PROCEDURES OF DG COMP EXCLUDING BUILDING CONTRACTS

| Internal Procedures > € 60,000 | | |
|--|--------------|-------------------|
| Procedure Type | Count | Amount (€) |
| Open Procedure (Art. 127.2 RAP) | 4 | 789.398,00 |
| TOTAL | 4 | 789.398,00 |

Additional comments

| |
|--|
| |
|--|

TABLE 13 : BUILDING CONTRACTS

| | |
|------------------------------------|--|
| Total number of contracts : | |
| Total amount : | |

| Legal base | Contract Number | Contractor Name | Description | Amount (€) |
|-------------------|------------------------|------------------------|--------------------|-------------------|
| | | | | |

No data to be reported

TABLE 14 : CONTRACTS DECLARED SECRET

| | |
|------------------------------------|--|
| Total Number of Contracts : | |
| Total amount : | |

| Legal base | Contract Number | Contractor Name | Type of contract | Description | Amount (€) |
|-------------------|------------------------|------------------------|-------------------------|--------------------|-------------------|
| | | | | | |

No data to be reported

ANNEX 4: Materiality criteria

In conformity with the current guidelines and the discussions with the European Court of Auditors, DG Competition applies the following materiality criteria:

Qualitative assessment

For assessing the significance of the weakness, the following factors are analysed:

- nature and scope of the deficiency;
- duration of the deficiency;
- existence of compensatory measures (mitigating controls which reduce the impact of deficiency); and
- existence of effective remedial actions to correct the deficiencies (action plans and financial corrections) which have had a measurable effect.

Quantitative assessment

In order to quantify the deficiency, DG Competition applies the recommended 2% as threshold for material deficiency, i.e. when the value of the transactions affected represents more than 2% of the overall budget of DG Competition.

Reputational assessment

For weaknesses, which are considered significant in qualitative terms but not in quantitative terms, DG Competition takes into account the possible reputational impact they may entail. They will be assessed according to the following factors:

- context and nature of the impact;
- awareness; and
- duration.

ANNEX 5: Internal Control Template(s) for budget implementation (ICTs)

Procurement in direct management

Stage 1 – Procurement

A - Planning

Main control objectives: Effectiveness, efficiency and economy, compliance (legality and regularity).

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|---|--|---|--|--|
| Planned procurements are not in line with the DG's objectives and priorities. | <p>Verification of coherence with set priorities and objectives.</p> <p>Planning discussed at senior management meeting once a year.</p> <p>Validation by AO(S)D before launching a procurement process.</p> | <p>All key procurement procedures are discussed at senior management meeting once a year.</p> <p>100% of procurements</p> | <p>Controls performed comply with the base line requirements of the Financial Regulation.</p> <p>Compliance with set priorities.</p> | <p>Percentage of procurements approved by senior management.</p> |

B - Needs assessment & definition of needs

Main control objectives: Effectiveness, efficiency and economy, compliance (legality and regularity).

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|--|---|---|--|--|
| <p>Organisation and planning of procedure poorly defined.</p> <p>The best offer/s are not submitted due to the poor definition of the specifications.</p> <p>Non-compliance with regulatory framework.</p> | <p>Guidance and ex-ante support from Resources Directorate. Operational and financial ex-ante verification.</p> | <p>100% of the specifications are scrutinised.</p> <p>Depth: All underlying documents.</p> | <p>Controls performed comply with the base line requirements of the Financial Regulation.</p> <p>Limit the risk of litigation, and/or cancellation of a tender.</p> <p>Low amount of contracts for which the approval and supervisory control detected material error.</p> | <p>Number of procedures cancelled.</p> |

C – Evaluation and contract award

Main control objectives: Effectiveness, efficiency and economy, compliance (legality and regularity).

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|--|--|--|--|---|
| <p>The most promising offer not being selected, due to a biased, inaccurate or "unfair" evaluation process.</p> <p>Non-compliance with regulatory framework.</p> | <p>Guidance and ex-ante support from Resources Directorate. Operational and financial ex-ante verification. AOSD supervision and approval of award.</p> <p>Formal evaluation process: opening and evaluation committees.</p> <p>Committee declaration of absence of conflict of interests.</p> <p>Exclusion criteria documented.</p> <p>Standstill period, opportunity for unsuccessful bidders to put forward their concerns on the decision.</p> <p>Opinion by consultative committee.</p> | <p>100% of the offers duly analysed.</p> <p>Depth: All underlying documents</p> | <p>Controls performed comply with the base line requirements of the Financial Regulation.</p> <p>Avoid contracting with "excluded" suppliers that would not be able to fulfil contract requirements.</p> <p>Low amount of procurements successfully challenged during standstill exclusion period.</p> <p>Potential irregularities/inefficiencies prevented.</p> | <p>Complaints received from unsuccessful contractors.</p> <p>Cases received by the Ombudsman.</p> <p>Legal proceedings initiated by contractors or other economic providers of the DG against the Commission.</p> |

Stage 2 – Financial transactions

Main control objectives: Ensuring that the implementation of the contract is in compliance with the signed contract

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|--|--|---|---|--|
| <p>The goods/services/works foreseen are not totally or partially provided in accordance with the technical description and requirements foreseen in the contract and/or the amounts paid exceed those due in accordance with the applicable contractual and regulatory provisions.</p> <p>DG is unable to meet objectives and priorities because a contractor is unable to deliver.</p> | <p>Operational and financial checks in accordance with the financial circuits.</p> <p>Operation authorisation by the AO.</p> <p>Network in place for co-ordination, monitoring and follow-up of contracts.</p> | <p>100% of the contracts are controlled.</p> <p>Depth: All underlying documents.</p> | <p>Controls performed comply with the base line requirements of the Financial Regulation.</p> <p>Potential irregularities, errors and overpayments prevented.</p> | <p>Error rate < 2%</p> <p>Payment times</p> |

Stage 3 – Supervisory measures

Main control objectives: Ensuring that any weakness in the procedures (tender and financial transactions) is corrected

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|---|---|---|---|--|
| <p>An error or non-compliance with regulatory and contractual provisions, including technical specifications, or a fraud, is not detected by ex-ante control, prior to payment.</p> | <p>Review of procurements and financial transactions through ex-post audits performed by the ICC.</p> <p>Review of reported exceptions.</p> | <p>Representative coverage.</p> <p>Depth: all underlying documents.</p> <p>100% at least once a year.</p> <p>Depth: Analysis of possible weaknesses in the procedures (procurement and financial transactions).</p> | <p>Amounts detected associated with fraud and error.</p> <p>Deterrents and systematic weaknesses corrected.</p> | <p>Number of cases referred to OLAF.</p> <p>Number of instances of overriding controls or deviations from established procedure.</p> |

Internal Control Template for non-expenditure items

Fines imposed in the area of Competition

Main control objectives: Ensuring that the Commission establishes its revenue entitlements correctly

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|---|--|--|---|--------------------------------|
| The Commission decision embeds weaknesses that would undermine the Commission's legal rights in terms of revenue entitlements such as decision not addressed to the correct legal entity. | Consultation of the Commission decision with concerned services. | Coverage: 100% <ul style="list-style-type: none"> in-depth panel review for draft COMP-decisions on fines. | The (average annual) total value of the significant errors detected/avoided - and thus prevented in terms of the Commission's rights. | Value of the rights concerned. |

Main control objectives: Ensuring that the Commission registers its revenue entitlements, reliable reporting (true and fair)

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|--|---|--|---|--------------------------------|
| EU accounting rules are not respected and the accounts do not reflect the reality. | Commission Decisions being followed-up by concerned services. | Coverage: 100%: <ul style="list-style-type: none"> monthly for new decisions; quarterly for follow-up of fines before Court of Justice. | The accounts at year-end give a true and fair view. | Value of the rights concerned. |

Information & IT Security:

Main control objectives: Ensuring that the Commission protects and maintains its information security

| Main risks | Mitigating controls | Coverage frequency and depth | Benefits of controls | Control indicators |
|---|--|---|---|--|
| Sensitive information is "lost" (abused, made public) or its integrity breached (data altered) due to information security (IT systems and/or information processes) not being fully effective. | <p>Security of IT systems and information safeguarding "culture": appropriate design of IT systems and/or information processes.</p> <p>Risk-based actions from Security Guidelines, Code on Ethics & Integrity and Anti-Fraud Strategy.</p> | Security rules and culture to be adjusted in view of latest technical developments and "possibilities". | <p>Decreased number of security incidents (leaks and inadvertent disclosures of sensitive information).</p> <p>No legal complaints about breaches of personal data protection, commercial information protection, pre-public information being abused, etc.</p> | <p>Number of reported information security incidents.</p> <p>Number of legal complaints.</p> |

ANNEX 9: Evaluations and other studies finalised or cancelled in 2015

| Ref. No Annex 4 MP2015 | Title | Reason ⁴ | Scope ⁵ | Type of evaluation or other study | | | Associated DGs | Costs (EUR) | Comments | References | Cancelled |
|--|---|--------------------------------------|--|--------------------------------------|---------------------|-------------------|-----------------------------------|----------------|---|---|-----------|
| | | | | Focus ⁶ | Author ⁷ | Type ⁸ | | | | | |
| I. Evaluations finalised or cancelled in 2015 | | | | | | | | | | | |
| a. Evaluations finalised in 2015 | | | | | | | | | | | |
| 1 | Ex-post evaluation of the impact of R&R decisions on the viability of aided industrial undertakings | Other: learning for future decisions | 60 cases 2000-2012 for descriptive and counter-factual analysis, 5 in-depth case studies | R | E | R | GROW, MARE, (ECFIN), (EMPL), (SG) | approx. 300000 | These projects were launched in 2014 and considered at the time as "evaluations". However, since the Commission changed the definition of "evaluation" in the course of 2015, they could in the | http://ec.europa.eu/competition/publications/reports/kd0116104enn.pdf | |
| 2 | Ex-post analysis of two mobile telecom mergers | Other: learning for future decisions | Two mobile telecom mergers undertaken in 2006-2007 | R | I | R | - | - | | http://ec.europa.eu/competition/publications/reports/kd0215836enn.pdf | |

⁴ L – legal act, LMFF – legal base of MFF instrument, FR – financial regulation, REFIT, CWP – 'evaluate first', O – other.

⁵ Programme/regulatory measure/initiative/policy area etc. has been covered.

⁶ P – prospective, R – retrospective, P/R – prospective and retrospective.

⁷ E – external, I – internal, M – mixed (internal with external support).

⁸ FC – fitness check, E – expenditure programme, R – regulatory measure (not recognised as a FC), C – communication activity, I – internal Commission activity, O – other.

| | | | | | | | | | | | |
|---|---|--|---|-----|-----|------|---|----------------|---|---|---|
| n.a. | State aid to European banks: returning to viability | Other: learning for future decisions, accountability | 70 banks which received rescue or restructuring aid between 2007 and 2014 | R | I | R | - | - | future also be considered as "studies". | http://ec.europa.eu/competition/publications/csb/csb2015_001_en.pdf | |
| b. other evaluations cancelled in 2015 | | | | | | | | | | | |
| No. 2 initially planned for 2016 | Antitrust/cartels: Effectiveness and efficiency of past remedies under Article 9 of Regulation 1/2003 | Other: learning for future decisions | - | R | E+I | R | - | - | Overtaken by other projects | - | X |
| II. Other studies finalised or cancelled in 2015 | | | | | | | | | | | |
| a. other studies finalised in 2015 | | | | | | | | | | | |
| Carry-over from MP 2014: No. 2 | Stakeholder survey – Eurobarometer qualitative stakeholder survey and quantitative citizens survey | Other: update of 2009 stakeholder survey data | a) About 130 stake-holders, b) about 25000 citizens | (R) | E | R, C | - | approx. 350000 | Project started in 2014 but was finalised in early 2015 | http://ec.europa.eu/competition/publications/reports/surveys_en.html | |
| 2 | Study on the economic impact of competition policies on the functioning of energy markets | Other: learning for future decisions | Merger and antitrust decisions in the energy sector in the past 10 years | R | E | R | ENER, GROW, SANTE, ECFIN, RTD, JRC, CLIMA | approx. 200000 | - | http://ec.europa.eu/competition/publications/report/s/kd0216007_en.pdf | |

| | | | | | | | | | | | |
|------------------------------------|--|--|---|-----|---|---|---|---------------|---|---|---|
| 3 | A retrospective study on EU mergers and merger control (meta-study) | Other: learning for future decisions | Merger control decisions taken under Regulation (EC) No. 139/2004 | R | E | R | GROW | approx. 60000 | - | http://ec.europa.eu/competition/publications/reports/kd0115715enn.pdf | |
| 4 | Study on simulating the effects of competition policy interventions in the EU using a macro-economic model | Other: advocacy | Merger control and cartel decisions | R | E | R | JRC, ECFIN | approx. 50000 | - | - | |
| b. other studies cancelled in 2015 | | | | | | | | | | | |
| 5 | Study on firms' entry and exit and business growth dynamics in the EU and beyond | Other: advocacy | - | R | E | R | SG, GROW, ECFIN | - | Lack of statistical data | - | X |
| 10 | Study on the fining powers of the national competition authorities (NCAs) and the deterrent level of fines imposed by NCAs for infringements of the EU competition rules | Other: preparation for possible future Commission initiative | - | R+P | E | R | JUST, ECFIN, ENER, ENV, GROW, SANTE, LS, SG | - | Overtaken by fast-moving legislative preparatory work | - | X |
| 12 | Study on the role of State aid in the process of liberation of the digital dividend | Other: preparation for possible future Commission initiative | - | R+P | E | R | CNECT, GROW, RTD | - | Overtaken by other projects | - | X |

| | | | | | | | | | | | |
|----|--|--------------------------------------|---|-----|---|---|--------------|---|--|---|---|
| 15 | Public support to the automotive industry in the EU and key technological challenges of the sector | Other: learning for future decisions | - | R+P | E | R | GROW and RTD | - | No offers received following an open procedure, will be relaunched in 2016 | - | X |
|----|--|--------------------------------------|---|-----|---|---|--------------|---|--|---|---|

ANNEX 12: Performance tables

State aid control

| | | |
|--|---------------------|---|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition | | |
| Specific objective 1: Better targeted growth- enhancing aid | | |
| <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based | | |
| Result indicator 1: Overall level of non-crisis State aid granted by Member States to industry and services; expressed as percentage of GDP Rationale: Indicator to benchmark the level of State aid ⁹ in the EU economy Source of data: State Aid Scoreboard and DG Competition calculation Link: http://ec.europa.eu/competition/state_aid/scoreboard/index_en.html | | |
| Baseline (2013) | Milestone (2014) | Target |
| 0.45% | 0.67% ¹⁰ | Decrease ¹¹ |
| Result indicator 2: Overall level of crisis aid to the financial sector actually used by Member States, expressed as percentage of 2014 EU 28 GDP Rationale: Indicator to measure the gradual phasing out of crisis aid measures of a temporary nature and the linked risk of competition distortion in the financial services. Source of data: State Aid Scoreboard and DG Competition calculation Link: http://ec.europa.eu/competition/state_aid/scoreboard/index_en.html | | |
| Baseline (2013) | Milestone (2014) | Target |
| 8.1% ¹² | 6.3% ¹³ | Phasing out as soon as economic recovery allows |
| Result indicator 3: Percentage of State aid granted by Member States for horizontal objectives of common interest. Rationale: Indicator to ensure that state aid is targeted at horizontal objectives of Community interest, such as regional development, employment, environmental protection, promotion of research and development and innovation, risk capital and development of SMEs. Source of data: State Aid Scoreboard – The information is based on the annual reports provided by Member States pursuant to Article 6(1) of Commission Regulation (EC) 794/2004 and comprises expenditure granted by Member States through existing aid measures which fall into the scope of Article 107(1) TFEU. Link: http://ec.europa.eu/competition/state_aid/scoreboard/index_en.html | | |
| Baseline (2013) | Milestone (2014) | Target |
| 76.3% | 84.9% | Increase ¹⁴ |
| Output Indicator 1: Number of opening decisions Rationale: Indicator to demonstrate level of enforcement activity also for deterrence purpose Source of data: DG Competition case management system (ISIS) | | |
| Baseline (2014) | Milestone (2015) | Target |
| 28 | 20 | No target ¹⁵ |

⁹ Notified State aid.

¹⁰ The large increase is mostly due to inclusion of more renewable energy support schemes (RES) in the reporting.

¹¹ Due to overall changes implemented as part of State Aid Modernisation (SAM), as well as Renewable Energy Sources (RES) and fiscal related State aid programs, the previous benchmarks will not be fully comparable. After the transition period of SAM implementation has ended, the indicators, baselines and targets will be reviewed and updated.

¹² This consists of the following two components (calculated as % of EU GDP 2013): total recapitalisation and asset relief measures 2008-2013: EUR 636.4 billion (5.1%); outstanding guarantees and liquidity measures for 2013: EUR 386.9 billion (3.0%).

¹³ This consists of the following two components (calculated as % of EU GDP 2014): total recapitalisation and asset relief measures 2007-2014: EUR 644.6 billion (4.6%); outstanding guarantees and other liquidity measures for 2014: EUR 236.5 billion (1.7%).

¹⁴ State Aid Modernisation (SAM) has changed the scope of sectorial aid and, consequently, the previous benchmarks will not be fully comparable. After the transition period of SAM implementation has ended, the indicators, baselines and targets will be reviewed and updated.

¹⁵ As far as merger and State aid enforcement is concerned, DG Competition's activities are largely driven by notifications by companies and Member States. It is therefore not meaningful to identify a target. As far as antitrust and cartel enforcement is concerned, it would not be possible to formulate a numerical target as such target would depend on the number of infringements (which could be lower than the target) and the willingness of parties or market players involved to disclose these through the Leniency Programme, whistleblowing or complaints or the availability of information to the

| | | |
|--|-----------------------------|--|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition | | |
| Specific objective 2: Effective prevention and recovery of incompatible aid <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based | | |
| Result indicator 1: "bad" ¹⁶ -type of State aid as percentage of GDP Rationale: Indicator tracks the level of public interventions, which are not in line with State aid rules and, are considered not to contribute to common interest objectives or economic growth. Source of data: State Aid Scoreboard and DG Competition calculation Link: http://ec.europa.eu/competition/state_aid/scoreboard/index_en.html | | |
| Baseline (2013) | Milestone (2014) | Target |
| 0.05% | 0.044% | Decrease ¹⁷ |
| Result indicator 2: Percentage of incompatible aid recovered Rationale: Indicator tracks the amount of public interventions declared incompatible with State aid rules that has been recovered. Source of data: State Aid Scoreboard and DG Competition calculation Link: http://ec.europa.eu/competition/state_aid/scoreboard/index_en.html | | |
| Baseline (31.12.2014) | Milestone (31.12.2015) | Target |
| 51% | 55% | Increase ¹⁸ |
| Output indicator 1: Implementation of recovery (at least provisional) or Court action for non-implementation within two years from the date of the recovery decision (expressed as percentage of total recovery decisions) ¹⁹ Rationale: Qualitative indicator on the effectiveness and enforcement of recovery decisions Source of data: DG Competition case management system (ISIS) | | |
| Baseline (31.12.2014) | Milestone (31.12.2015) | Target |
| 48% | 33% | Increase |
| Output indicator 2: Scope of aid schemes investigated as part of ex-post monitoring of Member State schemes Rationale: Indicator to measure the coverage of ex-post monitoring Source of data: DG Competition calculation | | |
| Baseline (2014) | Milestone (2015) | Target |
| 75 aid schemes investigated | 96 aid schemes investigated | Maintain monitoring efforts, monitor at least 75 cases |

Cartels, antitrust and liberalisation

| | | |
|---|------------------|--------------|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition | | |
| Specific objective 1: Detection, sanctioning, deterrence and remedying of the most harmful anti-competitive practices with a view to protecting consumer welfare <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based | | |
| Impact indicator 1: Estimate of customer benefits resulting from Commission decisions prohibiting cartels. Rationale: Quantitative indicator to ensure positive impact of competition enforcement on consumer welfare Source: DG Competition calculation | | |
| Baseline (2014) | Milestone (2015) | Target |
| Cartel prohibition decisions ²⁰ : EUR 1.78-2.64 bn | EUR 0.66-0.99 bn | Stable level |
| Result indicator 1: Impact of existing EU antitrust rules on planned business transactions. Rationale: Indicating compliance with EU antitrust rules without Commission intervention. Source of data: DG Competition Stakeholder Survey | | |
| Baseline (2014) | Target | |
| >50% (of those with relevant experience) ²¹ | Maintain | |

Commission to detect infringements ex officio.

¹⁶ Rescue and restructuring aid.

¹⁷ Due to overall changes implemented as part of State Aid Modernisation (SAM), as well as Renewable Energy Sources (RES) and fiscal related State aid programs, the previous benchmarks will not be fully comparable. After the transition period of SAM implementation is over, the indicators, baselines and targets will be reviewed and updated.

¹⁸ The indicator may however significantly decrease when many new decisions were adopted in a given year ordering recovery of incompatible aid. Nevertheless, over time the target is to arrive at an increase of the recovery rate.

¹⁹ The indicator on recovery remains in substance unaltered from the corresponding indicator included in the Management Plan 2015, only the wording has changed.

²⁰ See footnote 36 of the AAR 2015.

²¹ Eurobarometer Standard Qualitative Study – DG Competition Stakeholder Survey (2014), Aggregate

| | | |
|---|-------------------------------------|-----------------------------------|
| Result Indicator 2: Deterrent effect of the Commission's fines Rationale: The Commission can impose fines on companies to punish infringements of antitrust rules and to deter future infringements. Source of data: DG Competition Stakeholder Survey | | |
| Baseline (2014) > 50% ²² | Target: Maintain | |
| Output Indicator 1: Intervention rate ²³ Rationale: Most competition enforcement agencies publish the number of decisions to give a benchmark for the level of activity and output per instrument also for deterrence purpose. Source of data: DG Competition case management system (Natasha) | | |
| Baseline (2014) 16 | Milestone (2015) 7 ²⁴ | Target No target ²⁵ |

Merger control

| | | |
|---|--------------------------------------|-----------------------------------|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition | | |
| Specific objective 1: Prevention of anti-competitive effects of mergers with a view to protecting consumer welfare <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based | | |
| Impact indicator 1: Estimate of customer benefits resulting from corrective horizontal merger decisions. Rationale: Quantitative indicator to ensure positive impact of competition enforcement on consumer welfare Source: DG Competition calculation | | |
| Baseline (2014) | Milestone (2015) | Target |
| Horizontal merger decisions ²⁶ : EUR 2.02-5.06 bn | EUR 1.08-2.69 bn | Stable level |
| Output Indicator 1: Intervention rate ²⁷ Rationale: Most competition enforcement agencies publish the number of decisions to give a benchmark for the level of activity and output per instrument. Source of data: DG Competition case management system (CMS) | | |
| Baseline (2014) 18 | Milestone (2015) 22 ²⁸ | Target No target ²⁹ |

Policy coordination, European Competition network (ECN) and international cooperation

| | | |
|--|---|----------------|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition and to promote competition culture in the EU and worldwide | | |
| Specific objective 1: Maintain EU competition law instruments aligned with market realities and contemporary economic and legal thinking <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based | | |
| Output Indicator 1: Number of legislative or non-legislative instruments to be adopted in 2015 Source of data: Commission Work Programme 2015 | | |
| Baseline | Milestone (please introduce as many columns as the number of milestones) | Target: (year) |
| | (year) | (year) |
| 0 (2015) | - | - |
| Main outputs in 2015: | | |
| Description | Indicator | Target (year) |
| Commission/final output | - | - |
| Evaluations: Antitrust: Ex-post evaluation of key procedural aspects of Regulation 1/2003 – access to file and | | |

Report, p. 36, according to which most participants with relevant experience said that EU antitrust rules had a strong impact on company plans.

http://ec.europa.eu/competition/publications/reports/surveys_en.html

²² Eurobarometer Standard Qualitative Study – DG Competition Stakeholder Survey (2014), Aggregate Report p. 35, http://ec.europa.eu/competition/publications/reports/surveys_en.html

²³ Settlement, prohibition, commitment and procedural decisions.

²⁴ Average for 2011-2015: 10.6.

²⁵ See footnote 14 above.

²⁶ See footnote 37 of the AAR 2015.

²⁷ Prohibition decisions, decisions with remedies (in first phase investigation and second phase investigation), withdrawals in second phase investigation.

²⁸ Average for 2011-2015: 16.

²⁹ See footnote 14 above.

| |
|------------|
| complaints |
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| | | |
|--|------------------|-----------|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition and to promote competition culture in the EU and worldwide | | |
| Specific objective 2: Coherent application of EU competition law by national competition authorities and courts | | |
| Output Indicator 1: Number of cases signalled to the European Competition Network Rationale: Provides a benchmark for the level of ECN activity to ensure coherent application of EU competition law Source of data: ECN case system | | |
| Baseline (2014) | Milestone (2015) | Target |
| ca. 180 | ca. 179 | No target |
| Output Indicator 2: Number of envisaged enforcement decisions and similar case consultations in the European Competition Network Rationale: Provides a benchmark for the level of ECN activity to ensure coherent application of EU competition law | | |
| Baseline (2014) | Milestone (2015) | Target |
| approx. 110 | approx. 100 | No target |

| | | |
|---|---|--|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition and to promote competition culture in the EU and worldwide | | |
| Specific objective 3: Ensure coherent private enforcement of EU competition law | | |
| <input checked="" type="checkbox"/> programme-based (Justice Programme 2014-2020) <input type="checkbox"/> Non programme-based | | |
| Result indicator 1: Number of judicial staff trained per year to make sure EU competition rules are applied in line with EU law. Rationale: Provides a benchmark for the level of the training activity to ensure coherent private enforcement of EU competition law Source of data: DG Competition statistics on the basis of the final reports of funded projects | | |
| Baseline: | Milestone | Target: |
| 4769 judges trained (2007-2013) | Under the call 2014 (contracts signed in Q1 of 2015) the estimate is to train approx. 1200 judges (some projects are still ongoing) ³⁰ | Considering the variance in the applications for funding and in the success rate of the calls for proposals, the target for the period 2014-2020 is 5000 people. |
| Result indicator 2: Geographical coverage: nationalities of judicial staff trained per year to make sure EU competition rules are applied coherently in all Member States. Rationale: Provides a benchmark for the reach of the training activity to ensure coherent private enforcement of EU competition law Source of data: DG Competition statistics | | |
| Baseline (2013) | Target: | |
| 28 Member States ³¹ | The target for the period 2014-2020 is all EU nationalities every year. | |
| Further planning: In 2015, DG Competition has commissioned a study on judges' training needs in the field of competition law. The assessment of the recently submitted results is ongoing and will serve as a tool for revisiting the Training of Judges Programme as we have known it in the past 10 years. We also liaise with other appropriate training providers inside and outside the Commission on how to make the best use of our budget for the Training of Judges. The annual work programme for 2016, as agreed with DG JUST, amounts to a budget available for DG COMP of EUR 1 300 000 in total. The priorities identified refer to the improvement of knowledge, application and interpretation of EU competition law, the development of legal linguistic skills of national judges and the improvement and/or creation of further cooperation/networks. | | |

³⁰ Trainings run over several years.

³¹ Data for 2013 are provisional as DG Competition is currently checking the final reports of the training projects under the 2013 call.

| | | |
|--|--|--|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition and to promote competition culture in the EU and worldwide | | |
| Specific objective 3: Ensure coherent private enforcement of EU competition law | | <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based |
| Result indicator 1: Compliance rate of national judgments with Commission replies to requests for opinions (Art 15(1) of Regulation 1/2003) ³² . Rationale: Provides a benchmark for coherence of the activities by the courts and the Commission to ensure coherent private enforcement of EU competition law Source of data: DG Competition statistics on the basis of national judgments transmitted | | |
| Baseline: 18/21: 100% compliance rate possible ³³ . In three cases the respective national courts have not yet issued their decision (2004-2015) | Target: Keeping the 100% compliance rate in the long term to ensure the coherent application of EU competition rules. | |
| Result indicator 2: Compliance rate of national judgements with Commission 'amicus curiae' briefs (Art 15(3) of Regulation 1/2003) ³⁴ . Rationale: Provides a benchmark for coherence of the activities by the courts and the Commission to ensure coherent private enforcement of EU competition law Source of data: DG Competition statistics on the basis of national judgments transmitted | | |
| Baseline: 12/12: 100% compliance rate (2006-2015) | Target: Keeping the 100% compliance rate in the long term to ensure the coherent application of EU competition rules. | |
| Main outputs in 2015: | | |
| Description | Indicator | Target |
| Commission output: replies to requests for an opinions and submission of 'amicus curiae' briefs when the coherent application of EU competition rules is at stake. | Compliance rate by national courts with requested opinions and 'amicus curiae' briefs. | 100% compliance rate in 2015 to ensure the coherent application of EU competition rules. |

| | | |
|---|---|--|
| Relevant general objective(s): To enhance consumer welfare in the EU and efficiently functioning markets by protecting competition and to promote competition culture in the EU and worldwide | | |
| Specific objective 4: Ensure compensation for victims of EU competition law infringements | | <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based |
| Result indicator 1: Number of Member States having fully implemented the Directive ensuring the right for victims of EU competition law infringements to obtain compensation through national courts. Rationale: The aim of the Damages Directive is to give victims of competition law infringements equal opportunities to get compensation in all Member States Source of data: Evaluation | | |
| Baseline: Entry into force of the Damages Directive (27 December 2014). | Target: Implementation of the Damages Directive by all Member States (27 December 2016). | |
| Main outputs in 2015: | | |
| Description | Indicator | Target |
| Commission output: support to Member States for the transposition of the Directive through multilateral and bilateral contacts. | Swift and comprehensive support for the transposition of the Directive. | Full support to Member States in 2015 to ease the transposition of the Directive. |
| Planned evaluations: Article 20 of the Directive requires the Commission to present a report on its application to the European Parliament and the Council six years after its entry into force, i.e. by 27 December 2020. | | |

³² The opinion of the Commission is not binding on national courts.

³³ Please note that the reference year is the year in which Commission's opinions have been submitted. The opinion of the Commission is not binding on national courts. The time-span considered is 2004-end 2015.

³⁴ The brief of the Commission is not binding on national courts.

| | |
|---|--|
| Relevant general objective(s): To promote competition culture in the EU and worldwide | |
| Specific objective 1: Strengthened international cooperation in enforcement activities and increased convergence of competition policy instruments across different jurisdictions; establishment of well-functioning competition regimes in candidate countries and potential candidate countries | <input type="checkbox"/> programme-based (please name the related spending programme) <input checked="" type="checkbox"/> Non programme-based |
| Result indicator 1: Promotion of competition culture and policy convergence at the international level Rationale: The National Competition Authorities of the Member States are involved in international competition policy fora, such as OECD, ICN and UNCTAD, based on which they can share their perception of the role of the European Commission at international level Source of data: DG Competition Stakeholder Survey, Report on the views held by National Competition Authorities of the EU Member States ³⁵ | |
| Baseline: (2014) | Target: |
| 5.7 (scale 1 - 7) | Increasing trend (next survey foreseen 2019) |
| Output Indicator 1: Number of 2nd generation competition agreements that EU has with third countries Rationale: Provides a benchmark for the most advanced type of co-operation with the competition authorities of third countries Source of data: DG Competition's statistics | |
| Baseline: | Target: |
| 1 agreement during 2015 (Switzerland) | 1 new agreement during 2015-2017 |
| Output Indicator 2: Number of free trade agreements containing competition/State aid clauses that the EU has with third countries Rationale: Provides a benchmark for the increased level of convergence with third countries' competition authorities Source of data: DG Competition's statistics | |
| Baseline: | Target: |
| 11 agreements in place by 2015 | 11 new agreements during 2015-2017 |
| Output Indicator 3: Number of contributions to OECD, ICN and UNCTAD Rationale: Provides a benchmark for the activity of the Commission in contributing to increased international convergence of competition policy on multilateral fora Source of data: DG Competition's statistics | |
| Baseline: (2015) | Target: (2015-2017) |
| 12 (OECD), 5 (ICN), 3 (UNCTAD) | 11 (OECD), 12 (ICN), 3 (UNCTAD) |
| Output Indicator 4: Number of technical assistance workshops organised with third countries Rationale: Provides a benchmark for the activity of the Commission in contributing to increased international convergence of competition policy bilaterally Source of data: DG Competition's statistics | |
| Baseline (2015) | Target (2015) |
| China (3) India (2), Brazil (1) | China (3) India (2), Brazil (1) |

Support to DG

| | |
|--|--|
| Specific objective 1: Implement the Commission planning and programming so that DG delivers its policy objectives, contributing to the overall Commission strategy in an effective, timely, efficient and accountable manner | |
| Output Indicator 1: Timely preparation and delivery of the various elements of the Strategic Planning and Programming cycle (CWP, MP and AAR) Source: http://ec.europa.eu/atwork/pdf/cwp2013_en.pdf http://ec.europa.eu/atwork/synthesis/amp/doc/comp_mp_en.pdf http://ec.europa.eu/atwork/synthesis/aar/doc/comp_aar_2013.pdf | |
| Baseline (2015) | Target (2015) |
| 100% | All documents within the deadline for 2015. |
| Output Indicator 2: Delivery rate (adoption by the College) of initiatives included in the Commission Work Programme and in the Catalogue Source: http://ec.europa.eu/atwork/pdf/execution_report_2013.pdf | |
| Baseline (2015) | Target (2015) |
| N/A ³⁶ | 100% for the Commission Work Programme |
| Output Indicator 3: Opinion of the Impact Assessment Board Source: http://ec.europa.eu/smart-regulation/impact/key_docs/docs/iab_report_2013_en.pdf | |
| Baseline (2014) | Target (2015) |
| For DG COMP: 87.5%, IAB positive opinions on 7 of the 8 IA submissions in 2014 (68%) | 100% positive opinions, resubmission rate below Commission average |

³⁵ Eurobarometer Standard Qualitative Study – DG Competition Stakeholder Survey (2014), National Competition Authorities' Report,
http://ec.europa.eu/competition/publications/reports/surveys_en.html

³⁶ The 2015 CWP did not include any project for DG Competition.

| | |
|-----------------------------|--|
| Commission average in 2014) | |
|-----------------------------|--|

Specific objective 2: Competition advocacy contributing to a pro-competitive regulatory framework at EU and national level (ISC/European Semester)

Result Indicator 1: Readiness to engage and to contribute with high quality input to other DGs' policy projects

Source: Commission-internal survey about the perceived quality of our interactions with other DGs and input to Commission policy making

| | |
|-----------------|--------------------------------------|
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 5.0 (scale 1-7) | Increasing trend |

Result Indicator 2: Relevance of input to other DGs' policy projects

Source: Commission-internal survey about the perceived quality of our interactions with other Commission services and input to Commission policy making

| | |
|-----------------|--------------------------------------|
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 5.2 (scale 1-7) | Increasing trend |

Output Indicator 1: Number of substantial replies to Commission inter-service consultations³⁷

| | |
|---|--------------|
| Source: DG Competition calculations based on CIS-NET statistics | |
| Baseline (2015) | Target: 2015 |
| 194 | Stable level |

Output Indicator 2: Number of country specific recommendations promoted and co-monitored by DG Competition.

Source: http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm

| | |
|------------------|--|
| Baseline (2015) | Target: 2015 |
| 29 ³⁸ | Continuous input provision and monitoring of CSRs. |

Specific objective 3 (external communication): Help understanding of EU competition rules by stakeholders

Result Indicator 1: Number of subscribers who receive DG Competition's publications

Source: CPI unit in DG Competition

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|--|--|
| Baseline (2015) | Target: 2015 |
| In 2015, DG Competition's printed publications were sent to 6452 subscribers/readers and the digital publications to 34880 | Keep or increase the number of subscribers |

Specific objective 4 (internal communication): information flows effectively both top-down and bottom-up and that staff understand Commission and DG Competition's objectives and how their individual work relates to these objectives.

Result Indicator 1: Understanding by the staff of the DG Competition's priorities.

Source: E-survey 2015.

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| Baseline (2015) | Target: 2015 |
| In 2015, 77% of DG Competition's respondents think that DG Competition priorities are well communicated. | Improve the level of staff understanding of DG Competition's priorities. |

Result Indicator 2: Understanding by the DG Competition's staff of their objectives and tasks

Source: Staff survey 2014

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|--|---|
| Baseline (2014) | Target: Survey 2015 |
| 85% of the respondents said that clearly knew their objectives and tasks | Keep stable or improve the level of staff's understanding of their objectives and tasks |

³⁷ Replies in which DG Competition, either gives a negative reply or a positive reply under the condition that its reservations are taken into account.

³⁸ The country-specific recommendations include many recommendations that concern competition as well as a sector (banking, energy, etc.). These are all included here: AT:2, BG:1, CZ:1, DE:1, DK:1, ES:2, FI:2, FR:1, HR:2, HU:2, IE:1, IT:2, MT:1, NL:1, PL:1, PT:3, RO:1, SE:1, SK:1, SL:1, UK:1.

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|---|--------------------------------------|
| Specific objective 5: Ensuring the highest standards in the enforcement of competition policy | |
| Result Indicator 1: Legal soundness of Commission decisions in competition cases Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 5.3 (scale 1-7) ³⁹ | Increasing trend |
| Result Indicator 2: Quality of economic analysis Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 4.9 (scale 1-7) ⁴⁰ | Increasing trend |
| Result Indicator 3: Market knowledge Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 5.0 (scale 1-7) ⁴¹ | Increasing trend |
| Result Indicator 4: Timeliness of decisions Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 4.0 (scale 1-7) ⁴² | Increasing trend |
| Result Indicator 5: Informing in a timely manner Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 4.9 (scale 1-7) ⁴³ | Increasing trend |
| Result Indicator 6: Stakeholder consultation on new rules Source: DG Competition Stakeholder Survey | |
| Baseline (2014) | Target: Next survey foreseen in 2019 |
| 5.5 (scale 1-7) ⁴⁴ | Increasing trend |

Human resources management

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|--|--|---------------------------------------|
| Specific objective: Recruit, train, motivate and retain highly qualified staff and promote equal opportunities within DG Competition | | |
| Result Indicator 1: Average vacancy rate Source: Sysper | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 8.7% | 7.4% | Equal to the Commission average |
| Result Indicator 2: Turnover (% of statutory staff leaving DG Competition before three years in DG Competition) Source: Sysper | | |
| Baseline (2013) | Milestone (2014) | Target (2015 and after) |
| 4.0% | 2.8% | Less than 4.0% |
| Result Indicator 3: Equal opportunities Source: Sysper | | |
| Baseline (2014) | Milestone (2015) | Target (2015 and after) |
| - 36% female senior managers - 39% female middle managers | - 36% female senior managers - 30% female middle managers ⁴⁵ | 40% female senior and middle managers |
| Result Indicator 4: Job satisfaction index Source: Commission staff Survey 2014 | | |
| Baseline (2013) | Milestone (2014) | Target (End 2014 and after) |
| 24 th /53 position | 11 th /56 position | Position the DG higher in the ranking |

³⁹ Eurobarometer Standard Qualitative Study – DG Competition Stakeholder Survey (2014), Aggregate Report p. 12, http://ec.europa.eu/competition/publications/reports/surveys_en.html

⁴⁰ Ibid. p. 19.

⁴¹ Ibid. p. 17.

⁴² Ibid. p. 37.

⁴³ Ibid. p. 24.

⁴⁴ Ibid. p. 27.

⁴⁵ There were a number of unplanned moves of female Heads of Unit from DG Competition in 2015. With regard to Deputy Heads of Unit, who constitute the prime reserve pool for future management appointments, the figures looked significantly brighter in 2015: the female representation rate stood at 42%. Moreover, 50% of newly appointed Deputy Heads of Unit were women. In the framework of an in-depth equal opportunities assessment conducted in 2015, DG Competition also focused on the question of how to groom a larger number of female candidates for future management appointments.

Financial management

| | | |
|---|------------------|-------------------------|
| Specific objective: Implement and maintain an effective internal control system, ensure sound financial management and guarantee the legality and regularity of the underlying transactions | | |
| Result Indicator 1: Execution rate of the global envelope Source: European Commission, ABAC | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 97.27% | 99.68% | Maintain above 90.00% |
| Result Indicator 2: Payments executed within contractual delays Source: European Commission, ABAC | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 91.09% | 94.40% | Maintain above 90.00% |
| Result Indicator 3: Error rate on financial transactions Source: European Commission, Financial Transaction Review performed by Internal Audit Capability/IAS audits from 2015 onwards | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 0.00% | 0.00% | Maintain below 2.00% |

Management of ICT & Document management

| | | |
|--|---|---|
| Specific objective 1: IT rationalisation in sub-domain for Case Management Systems (led by DG Competition) | | |
| Result Indicator 1: Implementation of a common Case Management System for the Commission services participating in the Case Management Rationalisation project Source: Reports to the Inter-service Steering Committee of the project | | |
| Baseline (2014) | Milestone (2015) | Target (2017) |
| Identification and analysis of common business requirements for the participating DGs, Security Plan and Hosting Strategy | Inception concluded Tender process started | Target: Completed implementation of the new common Case Management System |
| Output Indicator 1: Market Study ⁴⁶ | | |
| Baseline (2014) | Result (2015) | Target (2015) |
| 0% | 100% | 100% |
| Output Indicator 2: Internal Study (existing building blocks) | | |
| Baseline (2014) | Result (2015) | Target (2015) |
| 0% | 100% | 100% |
| Output Indicator 3: Purchase of the common Case Management System | | |
| Baseline (2014) | Result (2015) | Target (2015) |
| 0% | 100% | 100% |

⁴⁶ The market study is to assess market solutions from software vendors, which meet the needs of participating DGs in the Case Management Rationalisation project.

| Specific objective 2: IT support for State Aid Modernisation | | |
|---|--|--|
| Result Indicator 1: Implement new functionalities to support the State Aid Modernisation Package (enhanced collaboration with Member States, reporting and transparency, investigative tools) | | |
| Baseline (2014) | Milestone (2015) | Target (2016) |
| 15% New notification forms in production (SANI2) | - New State Aid forms implemented in SANI2 - State Aid collaborative platform (Wiki) with Member States in production | 100% New functionalities in production |
| Output Indicator 1: State aid recovery calculator | | |
| Baseline (2014) | Milestone (2015) | Target (2015) |
| 0% | 80% (production foreseen by March 2016) | In production by September 2015 |
| Output Indicator 2: Business Requirements Analysis ⁴⁷ | | |
| Baseline (2014) | Result (2015) | Target (2015) |
| 0% | 100% | 100% |

| Specific objective 3: Timely and effective handling of requests for information under Regulation 1049/2001 | | |
|--|-------------------|-------------------------|
| Output Indicator 1: Respect of the time-limits for replies Source: GESTDEM – corporate application managing access to document requests | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 85% | 87% ⁴⁸ | 100% |

| Specific objective 4: Enhance paperless document exchanges (e-Commission) with 3 rd parties | | |
|--|------------------|---------------|
| Result Indicator 1: Incrementing paperless exchanges with Member States and external stakeholders Source: DG Competition's document management and electronic communication systems | | |
| Baseline (2014) | Milestone (2015) | Target (2020) |
| 85.0% | 95.5% | 95.0% |

| Specific objective 5: Provide an effective and comprehensive document management tool integrated with DG Competition case-management applications and offering the specific functionalities required by competition case-handling | | |
|---|--|---|
| Result Indicator 1: Integration into DG Competition's document management system of the new corporate (SG) archiving rules for electronic documents Source: DG Competition's document management systems | | |
| Baseline (2014) | Milestone (2015) | Target (2015) |
| Identification and analysis of the new rules | Will be addressed within the Case Management Rationalisation project (specific objective 1 – target: 2017) | Implementation of a technical solution allowing to archive DG Competition's electronic documents according to the corporate rules |

Ethics, security, business continuity and environmental management

| Specific objective 1: Knowledge and respect by staff of DG Competition's Code on Ethics and Anti-Fraud Strategy | | |
|---|--|-------------------------|
| Result Indicator 1: Number of ethical and fraud incidents (sanctions by IDOC or OLAF) Source: IDOC or OLAF | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| No incident | One written warning issued by IDOC (no financial implications) | No incident |

⁴⁷ The business requirements analysis is a key intermediate deliverable of the IT project. This sets out the requirements which the future solution should meet.

⁴⁸ With respect to transparency, DG Competition aims to handle all requests for access to documents efficiently and within the time-limits set by Regulation 1049/2001. In 2015 DG Competition managed fewer but more complex requests (392 compared to 469 in 2014) while ensuring an increasing transparency through explanations provided by the refusal letters.

| | | |
|---|----------------------|--|
| Specific objective 2: Knowledge and respect by staff of DG Competition's security rules and incident reporting procedures | | |
| Result Indicator 1: Number of inadvertent disclosures of confidential information by staff Source: Internal | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 9 reported incidents | 9 reported incidents | Reduction of inadvertent disclosures of confidential information |

| | | |
|--|------------------|-------------------------|
| Specific objective 3: Effective management of business continuity based on a fully implemented and tested Business Continuity Plan | | |
| Output Indicator 1: Business continuity assessment tool (% of compliance with requirements) Source: Secretariat-General | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 87.5% | 95% | Close to 100% |

| | | |
|---|------------------|-------------------------|
| Specific objective 4: Improvement of DG Competition's environmental performance | | |
| Result Indicator 1: Green office supplies Source: OIB and internal | | |
| Baseline (2013) | Milestone (2015) | Target (2015 and after) |
| 55% of office supplies | 65% | 65% of office supplies |