



Council of the
European Union

Brussels, 5 February 2021
(OR. en)

5794/21
ADD 1

FIN 85
PE-L 6

'I' ITEM NOTE

From:	Budget Committee
To:	Permanent Representatives Committee
Subject:	Council recommendations on the discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2019 – <i>Adoption</i>

ANNEX 1:	Education, Audiovisual and Culture Executive Agency	2
ANNEX 2:	Executive Agency for Small and Medium-sized Enterprises.....	5
ANNEX 3:	Consumers, Health, Agriculture and Food Executive Agency	8
ANNEX 4:	Innovation and Networks Executive Agency	11
ANNEX 5:	Research Executive Agency	13
ANNEX 6:	European Research Council Executive Agency	15

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Education, Audiovisual and Culture Executive Agency
in respect of the implementation of the budget
of the Education, Audiovisual and Culture Executive Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/776/EU of 18 December 2013 establishing the "Education, Audiovisual and Culture Executive Agency" and repealing Decision 2009/336/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 343, 19.12.2013, p. 46.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Education, Audiovisual and Culture Executive Agency, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EDUCATION, AUDIOVISUAL AND CULTURE EXECUTIVE AGENCY**

The Council welcomes the Court's opinion that, in all material respects, the Executive Agency's annual accounts present fairly its financial position as at 31 December 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Executive Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council regrets the lack of disclosure in the final annual accounts of the impact of COVID-19 measures on the Executive Agency's current and anticipated operations.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Executive Agency for Small and Medium-sized Enterprises
in respect of the implementation of the budget
of the Executive Agency for Small and Medium-sized Enterprises
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/771/EU of 17 December 2013 establishing the "Executive Agency for Small and Medium-sized Enterprises" and repealing Decisions 2004/20/EC and 2007/372/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 341, 18.12.2013, p. 73.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Executive Agency for Small and Medium-sized Enterprises, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

**COMMENTS ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE EXECUTIVE AGENCY FOR SMALL AND MEDIUM-SIZED ENTERPRISES**

The Council welcomes the Court's opinion that, in all material respects, the Executive Agency's annual accounts present fairly its financial position as at 31 December 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Executive Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council regrets the weakness found by the Court in the area of recruitment procedures and encourages the Executive Agency to take appropriate actions to ensure that internal controls aimed at managing potential conflicts of interest are properly applied.

The Council also takes note of the Court's finding on the high level of carry-overs and supports the Court's comment on the need to improve the Executive Agency's budget planning and its implementation cycles.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Consumers, Health, Agriculture and Food Executive Agency
in respect of the implementation of the budget
of the Consumers, Health, Agriculture and Food Executive Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/770/EU of 17 December 2013 establishing the Consumers, Health and Food Executive Agency and repealing Decision 2004/858/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 341, 18.12.2013, p. 69.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Consumers, Health and Food Executive Agency, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2019 call for a certain comment by the Council, which is annexed to this recommendation; whereas the Council stresses the importance it attaches to this comment being followed up,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council

The President

¹ OJ C 351, 21.10.2020, p. 7.

COMMENT ACCOMPANYING
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO
THE CONSUMERS, HEALTH, AGRICULTURE AND FOOD EXECUTIVE AGENCY

The Council welcomes the Court's opinion that, in all material respects, the Executive Agency's annual accounts present fairly its financial position as at 31 December 2019 and the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with the provisions of the Executive Agency's Financial Regulation, and that the underlying transactions for 2019 are legal and regular in all material respects. Nevertheless, one observation needs to be made.

The Council takes note of the Court's finding on the high level cancellation of appropriations carried over from 2018 to 2019 and supports the Court's comment on the need to carry over budget appropriations only when justified.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Innovation and Networks Executive Agency
in respect of the implementation of the budget
of the Innovation and Networks Executive Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/593/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 352, 24.12.2013, p. 65.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Innovation and Networks Executive Agency, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the Research Executive Agency
in respect of the implementation of the budget
of the Research Executive Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/778/EU of 13 December 2013 establishing the Research Executive Agency and repealing Decision 2008/46/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 346, 20.12.2013, p. 54.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the Research Executive Agency, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.

COUNCIL RECOMMENDATION
of
on the discharge to be given to the Director
of the European Research Council Executive Agency
in respect of the implementation of the budget
of the European Research Council Executive Agency
for the financial year 2019

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Commission Implementing Decision 2013/779/EU of 17 December 2013 establishing the European Research Council Executive Agency and repealing Decision 2008/37/EC¹,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes², and in particular Article 14(3) thereof,

Having regard to Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes³, and in particular Article 66, first paragraph, thereof,

¹ OJ L 346, 20.12.2013, p. 58.

² OJ L 11, 16.1.2003, p. 1.

³ OJ L 297, 22.9.2004, p. 6.

Having examined the revenue and expenditure accounts for the financial year 2019 and the balance sheet as at 31 December 2019 of the European Research Council Executive Agency, hereinafter referred to as the "Executive Agency", as well as the Court of Auditors' report on the annual accounts of the Executive Agency for the financial year 2019, accompanied by the Executive Agency's replies to the Court's observations¹,

Whereas the Council welcomes the fact that the observations in the Court of Auditors' report in relation to the financial year 2019 do not call for any comments,

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

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Executive Agency in respect of the implementation of the budget for the financial year 2019.

Done at Brussels,

For the Council
The President

¹ OJ C 351, 21.10.2020, p. 7.