



Procedure file

Basic information		
DEC - Discharge procedure		Procedure completed
2010/2149(DEC)		
2009 discharge: EU general budget, European Ombudsman		
Subject		
8.70.03.07 Previous discharges		

Key players			
European Parliament	Committee responsible		Rapporteur
	CONT Budgetary Control		Appointed 23/03/2010
			PPE RIVELLINI Crescenzo
			Shadow rapporteur
			S&D AYALA SENDER Inés
			ALDE DE MAGISTRIS Luigi
			Verts/ALE STAES Bart
	Committee for opinion		Rapporteur for opinion
	AFET Foreign Affairs		Appointed
			The committee decided not to give an opinion.
	DEVE Development		The committee decided not to give an opinion.
	INTA International Trade		The committee decided not to give an opinion.
	BUDG Budgets		The committee decided not to give an opinion.
	ECON Economic and Monetary Affairs		The committee decided not to give an opinion.
	EMPL Employment and Social Affairs		The committee decided not to give an opinion.
	ENVI Environment, Public Health and Food Safety		The committee decided not to give an opinion.
	ITRE Industry, Research and Energy		The committee decided not to give an opinion.
	IMCO Internal Market and Consumer Protection		The committee decided not to give an opinion.
	TRAN Transport and Tourism		The committee decided not to give an opinion.
	REGI Regional Development		The committee decided not to give an opinion.
	AGRI Agriculture and Rural Development		The committee decided not to give an opinion.
	PECH Fisheries		The committee decided not to give an opinion.
	CULT Culture and Education		The committee decided not to give an opinion.
	JURI Legal Affairs		The committee decided not to

European Commission		give an opinion.
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.
	AFCO Constitutional Affairs	The committee decided not to give an opinion.
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.
	PETI Petitions	The committee decided not to give an opinion.
	Commission DG Budget	Commissioner ŠEMETA Algirdas

Key events			
20/07/2010	Non-legislative basic document published	SEC(2010)0963	Summary
07/10/2010	Committee referral announced in Parliament		
22/03/2011	Vote in committee		Summary
04/04/2011	Committee report tabled for plenary	A7-0116/2011	
10/05/2011	Results of vote in Parliament		
10/05/2011	Debate in Parliament		
10/05/2011	Decision by Parliament	T7-0161/2011	Summary
10/05/2011	End of procedure in Parliament		
27/09/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/2149(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/04008

Documentation gateway					
Non-legislative basic document		SEC(2010)0963	20/07/2010	EC	Summary
Court of Auditors: opinion, report		N7-0083/2010 OJ C 303 09.11.2010, p. 0001	09/09/2010	CofA	Summary
Committee draft report		PE450.686	19/01/2011	EP	
Document attached to the procedure		05891/2011	03/02/2011	CSL	Summary
Committee report tabled for plenary, single reading		A7-0116/2011	04/04/2011	EP	

Text adopted by Parliament, single reading		T7-0161/2011	10/05/2011	EP	Summary
Final act					
Decision 2011/562 OJ L 250 27.09.2011, p. 0104 Summary					

2009 discharge: EU general budget, European Ombudsman

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2009, as part of the 2009 discharge procedure.

Analysis of the accounts of the EU Institutions: Section VIII ? European Ombudsman.

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2009 as prepared on the basis of the information presented by the institutions, organisations and bodies of the EU, in accordance with Article 129 (2) of the Financial Regulation applicable to the EU's General Budget, including the European Ombudsman.

The document helps to bring insight into the EU budget mechanism and the way in which the budget has been managed and spent in 2009. It recalls that European Union's operational expenditure covers the various headings of the financial framework and takes different forms, depending on how the money is paid out and managed.

In accordance with the Financial Regulation, the Commission implements the general budget using the following methods:

- direct centralised management: direct implementation of the budget by the Commission services;
- indirect centralised management: the Commission confers tasks of implementation of the budget to bodies of EU law or national law, such as the EU agencies of public law or with public service missions;
- decentralised management: the Commission delegates certain tasks for implementation of the budget to third countries;
- shared management: under this method of management budget implementation tasks are delegated to Member States. The majority of the expenditure falls under this mode ?Shared Management? involving the delegation of tasks to Member States, covering such areas as agricultural spending and Structural Actions;
- joint management: under this method, the Commission entrusts certain implementation tasks to an international organisation.

The document also presents the different financial actors involved in the budget process (accounting officers, internal officers and authorising officers) and recalls their respective roles in the context of the tasks of sound financial management.

Amongst the other legal elements relating to the implementation of the EU budget presented in this document, the paper focuses on the following issues:

- the way in which EU public expenditure is committed and spent;
- the means of recovery following irregularities detected;
- the modus operandi of the accounting system;
- the audit process followed by the European Parliament's granting of the discharge.

To recall, the final control is the discharge of the budget for a given financial year. The discharge represents the political aspect of the external control of budget implementation and is the decision by which the European Parliament, acting on a Council recommendation, "releases" the Commission from its responsibility for management of a given budget by marking the end of that budget's existence.

Lastly, the document presents a series of tables and detailed technical indicators on (i) the balance sheet; (ii) the economic outturn account; (iii) cashflow tables; (iv) technical annexes concerning the financial statements.

Implementation of appropriations under Section VIII of the budget for the financial year 2009: the document comprises a series of detailed tables, the most important concerning the implementation of the budget. As regards the European Ombudsman's expenditure, the table on the financial and budgetary implementation of this institution shows the following:

A) Table showing the commitment appropriations:

- Commitments: EUR 8 million (91.98% rate of implementation)
- Cancelled: EUR 1 million

B) Table showing the implementation of payments:

- Payments: EUR 8 million (84.57% rate of implementation)
- Carry-overs to 2010: EUR 1 million (7.75% of authorised appropriations)
- Cancellations: EUR 1 million.

Lastly, the annexes detail specific expenditure of the institutions, in particular:

- pensions: an administrative budget heading includes the pension obligations towards the Members and former members of the

European Ombudsman;

- joint sickness insurance scheme: a valuation is made for the estimated liability that the EU has regarding its contributions to the Joint Sickness Insurance Scheme in relation to its retired staff. This gross liability has been valued at EUR 3 535 million. The calculations take into account active officials and pensioners from the various EU Institutions and Agencies, and their families, and active Members and pensioners from the European Ombudsman.

For further details on the budgetary implementation of expenditure of Section VIII of the Budget (European Ombudsman) please refer to the [2009 Annual Activity Report](#). This report outlines the main administrative objectives of the European Ombudsman. The main challenges in 2009 were:

- re-election of the Ombudsman for a new mandate of 5 years (Nikiforos DIAMANDOUROS);
- taking into account of the effects of the Treaty of Lisbon on the institution in order to strengthen transparency and sound administration of the EU institutions and bodies;
- prospective study of the issues which might be raised by the 'future citizens' initiative "under the Treaty of Lisbon;
- enhancing initiatives (from institutions and bodies of the EU) to further improve the results in terms of good administration;
- enhancing the objectives of awareness and communication among citizens (to improve media coverage of the Ombudsman).

The report gives an overview of the results achieved as against the objectives set for 2009.

2009 discharge: EU general budget, European Ombudsman

The Committee on Budgetary Control adopted the report by Crescenzo RIVELLINI (EPP, IT) recommending the European Parliament to grant the European Ombudsman discharge in respect of the implementation of its budget for the financial year 2009.

The committee cites that in 2009 the European Ombudsman had commitment appropriations available amounting to a total of EUR 9 million (as in 2008), with a utilisation rate of 91.98%, lower than the average of the other institutions (97.69%).

Members note that the Court of Auditors performed an in-depth assessment of supervisory and control systems in the Court of Justice, the Ombudsman and the European Data Protection Supervisor which included the examination of an additional sample of transactions involving payments relating to human resources and to other administrative expenditure. As far as the European Ombudsman is concerned, it would appear that it had not adopted general provisions on the procedures for recruitment of temporary staff, although the Conditions of Employment of Other Servants of the European Union requires that each institution shall have done so. This omission may affect a majority of the Ombudsman's staff, as 47 out of 63 posts granted under the 2009 budget were temporary posts. Members welcome the fact that the Ombudsman has instructed his services to draft provisions on the procedures for recruitment of temporary staff to be adopted in accordance with the observation of the Court of Auditors.

They also note that in 2009:

- the Ombudsman was able to help with almost 77% of all complaints, and that he dealt with 70% of inquiries in less than one year,
- the key performance indicators in the Annual Management Plan were implemented and the objectives for 2009 were achieved,
- the Ombudsman's decision to publish the annual declaration of interests of the Ombudsman and the fact that the declaration is published on the Ombudsman's website.

Lastly, Members take note of the audits carried out by the Internal Audit Service (IAS), in particular its annual report, and of the follow up of the IAS reviews of management and control system for missions and payroll areas, which concluded that all the actions contained in the reviews had been implemented. They stress that the audit of the processing of the payment requests has identified several issues to be addressed by the management, and invites the Ombudsman to follow that up in his next annual activity report.

2009 discharge: EU general budget, European Ombudsman

The European Parliament adopted by 477 votes to 55, with 11 abstentions a decision on discharge to be granted to the European Ombudsman in respect of the implementation of its budget for the financial year 2009.

Furthermore, Parliament adopted a resolution with observations which are an integral part of the decision to grant discharge. The resolution recalls that, in 2009, the European Ombudsman had commitment appropriations available amounting to a total of EUR 9 million (as in 2008), with a utilisation rate of 91.98%, lower than the average of the other institutions (97.69%).

Parliament notes that the Court of Auditors performed an in-depth assessment of supervisory and control systems in the Court of Justice, the Ombudsman and the European Data Protection Supervisor which included the examination of an additional sample of transactions involving payments relating to human resources and to other administrative expenditure. As far as the European Ombudsman is concerned, it would appear that it had not adopted general provisions on the procedures for recruitment of temporary staff, although the Conditions of Employment of Other Servants of the European Union requires that each institution shall have done so. This omission may affect a majority of the Ombudsman's staff, as 47 out of 63 posts granted under the 2009 budget were temporary posts. Members welcome the fact that the Ombudsman has instructed his services to draft provisions on the procedures for recruitment of temporary staff to be adopted in accordance with the observation of the Court of Auditors.

Parliament welcomes the fact that the Court did not make any other significant observations concerning the Ombudsman and is pleased to note that the Ombudsman was able to help with almost 77% of all complaints, and that he dealt with 70% of inquiries in less than one year,

Lastly, Parliament notes the audits carried out by the Internal Audit Service (IAS) and stresses that the audit of the processing of the payment requests identified several issues to be addressed by the Ombudsman. It looks forward to reading of the follow-up to this in the Ombudsman's next annual activity report.

2009 discharge: EU general budget, European Ombudsman

PURPOSE: to grant discharge to the European Ombudsman for the financial year 2009.

NON-LEGISLATIVE ACT: Decision 2011/562/EU of the European Parliament on discharge in respect of the implementation of the European Union general budget for the financial year 2009, Section VIII - European Ombudsman.

CONTENT: with the present decision, the European Parliament grants discharge to the Ombudsman for the implementation of its budget for the financial year 2009.

This decision is in line with the European Parliament's resolution adopted on 10 May 2011 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 10/05/2011).

A parallel decision, adopted on the same day, approves the closure of this Institution's accounts.