



# Procedure file

Basic information		
DEC - Discharge procedure	<a href="#">2010/2186(DEC)</a>	Procedure completed
2009 discharge: Euratom Supply Agency ESA		
Subject 8.70.03.07 Previous discharges		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>CONT</b> Budgetary Control		23/03/2010
		S&D <a href="#">STAVRAKAKIS Georgios</a>	
		Shadow rapporteur	
		PPE <a href="#">MACOVEI Monica</a>	
		ALDE <a href="#">GERBRANDY Gerben-Jan</a>	
		Verts/ALE <a href="#">STAES Bart</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.	
European Commission	Commission DG <a href="#">Budget</a>	Commissioner ŠEMETA Algirdas	

Key events			
20/07/2010	Non-legislative basic document published	<a href="#">SEC(2010)0963</a>	Summary
07/10/2010	Committee referral announced in Parliament		
11/04/2011	Vote in committee		Summary
14/04/2011	Committee report tabled for plenary	<a href="#">A7-0144/2011</a>	
10/05/2011	Results of vote in Parliament		
10/05/2011	Debate in Parliament		
10/05/2011	Decision by Parliament	<a href="#">T7-0179/2011</a>	Summary
10/05/2011	End of procedure in Parliament		
27/09/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/2186(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/04071

Documentation gateway					
Non-legislative basic document		<a href="#">SEC(2010)0963</a>	20/07/2010	EC	Summary
Court of Auditors: opinion, report		N7-0008/2011 <a href="#">OJ C 338 14.12.2010, p. 0006</a>	16/09/2010	CofA	Summary
Document attached to the procedure		<a href="#">05892/2011</a>	03/02/2011	CSL	Summary
Committee draft report		<a href="#">PE450.718</a>	04/02/2011	EP	
Amendments tabled in committee		<a href="#">PE460.806</a>	09/03/2011	EP	
Committee report tabled for plenary, single reading		<a href="#">A7-0144/2011</a>	14/04/2011	EP	
Text adopted by Parliament, single reading		<a href="#">T7-0179/2011</a>	10/05/2011	EP	Summary

Final act	
<a href="#">Decision 2011/596</a> <a href="#">OJ L 250 27.09.2011, p. 0206</a>	Summary

## 2009 discharge: Euratom Supply Agency ESA

**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 Euratom Supply Agency (ESA).

**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 Euratom Supply Agency (ESA).

In 2009, the tasks and budget of this agency were as follows:

- description of ESA's tasks: ESA, which is located in Luxembourg, was created in 1958. A [Council Decision 2008/114/EC, Euratom of 12 February 2008](#) replaced the preceding Statutes of the Agency. The Agency's main tasks are to provide the Union with expertise on the market in nuclear materials and services and to monitor it ;
- ESA's budget for the 2009 financial year: in 2009, the Agency did not receive any subsidy to cover its operations. The Commission bore the costs incurred by the Agency for implementing the 2009 activities.

## 2009 discharge: Euratom Supply Agency ESA

**PURPOSE:** presentation by the Court of Auditors of its report on the annual accounts of the Euratom Supply Agency (ESA).

**CONTENT:** in accordance with the tasks and objectives conferred on it by the Treaty on the Functioning of the European Union (TFEU), the Court of Auditors, in the context of the discharge procedure, addresses to the European Parliament and the Council a Statement of Assurance on the reliability of the annual accounts, as well as of the legality and regularity of the transactions underlying them of each EU institution, body or agency, on the basis of an external, independent audit.

This audit also covered the annual accounts of the Euratom Agency (ESA).

In the Court's opinion, the Agency's annual accounts presented fairly, in all material respects, its financial position as of 31 December 2009 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also stated that the transactions underlying the annual accounts of the Agency for the financial year ended 31 December 2009 were, ?in all material respects, legal and regular?.

The report also included comments on the Agency?s budgetary and financial management, together with the Agency?s replies. The main comments are as follows:

The Court?s comments:

- The issue of the financial independence of the Agency: the provisions of Article 54 of the Treaty establishing the European Atomic Energy Community provides for the Agency?s financial autonomy. In fact, the Agency has not, since 2008, received a budget. In those circumstances, the European Commission has directly discharged the Agency?s expenses. In the Court?s view, this situation is at odds with the Statutes of the Agency

The Agency?s reply: the present situation reflects the necessary balance in accordance with the Euratom Treaty between: i) the clear relationship with the European Commission (e.g. the Commission may issue directives and appoints the Director-General of the Agency), and ii) a level of legal and financial autonomy (e.g. the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure the policy of diversification of the sources of supply). This provides for initiatives that will reinforce the effectiveness and efficiency of the activities of the Agency. The Agency will consider the most appropriate measures to take into account the Court?s comments.

## 2009 discharge: Euratom Supply Agency ESA

---

The Committee on Budgetary Control adopted the report by Georgios STAVRAKAKIS (S&D, EL) on discharge to be granted to the Director-General of the Euratom Supply Agency for implementation of the Agency?s budget for the financial year 2009.

Noting that the Agency?s annual accounts for the financial year 2009 are reliable, and the underlying transactions are legal and regular, MEPs approve the closure of the Agency?s accounts. However, they make a number of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the draft resolution on financial management and control of EU agencies (see [DEC/2010/2271](#)):

- status of the Agency: Members note that in 2009 the Agency did not receive any subsidy to cover its operations and that the Commission bore all expenses incurred by the Agency for the implementation of the 2009 budget; notes that this situation has persisted since the creation of the Agency in 2008. In the absence of an autonomous budget, the Agency is de facto integrated into the Commission. Members point out, nevertheless, that this situation is at odds with the Agency?s Statutes and that it raises the issue of the need to maintain the Agency in its current form and organisation. They note, however, the Agency?s reply explaining that the present situation reflects the balance between, on the one hand, a clear relationship with the Commission (for example the Commission may issue directives and it appoints the Director-General of the Agency) and, on the other hand, a degree of legal and financial autonomy (for example, the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure that the policy on diversification of the sources of supply is applied) and that, furthermore, this balance is in accordance with the Euratom Treaty;
- internal audit: Members note that **the Agency has selected its own internal auditor, who took up his duties only on 1 July 2009. They also note** the letter from the Director-General which acknowledges the problem and details the initial actions taken as requested by the discharge authority. They call on the Director-General to keep the discharge authority informed on further steps taken and progress made.

## 2009 discharge: Euratom Supply Agency ESA

---

The European Parliament adopted by 528 votes to 79, with 36 abstentions a decision to grant discharge to the Director-General of the Euratom Supply Agency for implementation of the Agency?s budget for the financial year 2009.

Noting that the Agency?s annual accounts for the financial year 2009 are reliable, and the underlying transactions are legal and regular, Parliament approves the closure of the Agency?s accounts. However, it makes a number of recommendations that need to be taken into account when the discharge is granted (in addition to the general recommendations that appear in the resolution on financial management and control of EU agencies - see [DEC/2010/2271](#)):

Parliament notes that, in 2009, the Agency did not receive any subsidy to cover its operations and that the Commission bore all expenses incurred by the Agency for the implementation of the 2009 budget; notes that this situation has persisted since the creation of the Agency in 2008. In the absence of an autonomous budget, the Agency is de facto integrated into the Commission. Parliament points out, nevertheless, that this situation is at odds with the Agency?s Statutes and that it raises the issue of the need to maintain the Agency in its current form and organisation. It notes, however, the Agency?s reply explaining that the present situation reflects the balance between, on the one hand, a clear relationship with the Commission (for example the Commission may issue directives and it appoints the Director-General of the Agency) and, on the other hand, a degree of legal and financial autonomy (for example, the Agency co-signs all commercial contracts related to the procurement of nuclear materials, which allows it to ensure that the policy on diversification of the sources of supply is applied) and that, furthermore, this balance is in accordance with the Euratom Treaty;

Parliament notes that the Director-General acknowledges the problem and has detailed the initial actions taken as requested by the discharge authority. Parliament calls on the Director-General to keep the discharge authority informed on further steps taken and progress made.

## 2009 discharge: Euratom Supply Agency ESA

---

PURPOSE: to grant discharge to the Euratom Supply Agency in respect of the implementation of the Agency?s budget for the financial year

2009.

NON-LEGISLATIVE ACT: Decision 2011/596/EU of the European Parliament on discharge in respect of the implementation of the budget of the Euratom Supply Agency for the financial year 2009.

CONTENT: with the present decision, the European Parliament grants discharge to the Director-General of the Euratom Supply Agency 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 Agency's accounts.