



# Procedure file

Basic information		
DEC - Discharge procedure	<a href="#">2016/2176(DEC)</a>	Procedure completed
2015 discharge: European Union Agency for Network and Information Security (ENISA)		
Subject 8.70.03.05 2015 discharge		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>CONT</b> Budgetary Control	S&D <a href="#">AYALA SENDER Inés</a> Shadow rapporteur PPE <a href="#">ZDECHOVSKÝ Tomáš</a> ECR <a href="#">FITTO Raffaele</a> ALDE <a href="#">ALI Nedzhmi</a> GUE/NGL <a href="#">DE JONG Dennis</a> Verts/ALE <a href="#">JÁVOR Benedek</a> EFDD <a href="#">VALLI Marco</a> ENF <a href="#">KAPPEL Barbara</a>	05/08/2016
	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 GEORGIEVA Kristalina	

Key events			
11/07/2016	Non-legislative basic document published	COM(2016)0475	Summary
04/10/2016	Committee referral announced in Parliament, 1st reading/single reading		
22/03/2017	Vote in committee, 1st reading/single reading		
29/03/2017	Committee report tabled for plenary, single reading	<a href="#">A8-0115/2017</a>	Summary
26/04/2017	Debate in Parliament		
27/04/2017	Results of vote in Parliament		
27/04/2017	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0175/2017</a>	Summary
27/04/2017	End of procedure in Parliament		
29/09/2017	Final act published in Official Journal		

Technical information	
Procedure reference	2016/2176(DEC)
Procedure type	DEC - Discharge procedure
Stage reached in procedure	Procedure completed
Committee dossier	CONT/8/07481

Documentation gateway					
Non-legislative basic document		COM(2016)0475	11/07/2016	EC	Summary
Court of Auditors: opinion, report		N8-0127/2016 <a href="#">OJ C 449 01.12.2016, p. 0138</a>	13/09/2016	CofA	Summary
Committee draft report		<a href="#">PE593.869</a>	03/02/2017	EP	
Supplementary non-legislative basic document		<a href="#">05873/2017</a>	07/02/2017	CSL	Summary
Amendments tabled in committee		<a href="#">PE600.885</a>	06/03/2017	EP	
Committee report tabled for plenary, single reading		<a href="#">A8-0115/2017</a>	29/03/2017	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0175/2017</a>	27/04/2017	EP	Summary

Final act	
Budget 2017/1690 <a href="#">OJ L 252 29.09.2017, p. 0267</a>	Summary

## 2016/2176(DEC) - 11/07/2016 Non-legislative basic document

**PURPOSE:** presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2015, as part of the 2015 discharge procedure.

Analysis of the accounts of the European Union Agency for Network and Information Security (ENISA).

**CONTENT:** the organisational governance of the EU consists of institutions, agencies and other EU bodies whose expenditure is included in the general budget of the Union.

The EU's operational expenditure of these institutions takes different forms, depending on how the money is paid out and managed.

From 2014 onwards, the Commission classifies its expenditure as follows:

- Direct management: the budget is implemented directly by the Commission services.
- Indirect management: the Commission confers tasks of implementation of the budget to bodies of EU law or national law, such as the EU agencies.
- Shared management: under this method of budget implementation tasks are delegated to Member States. About 80 % of the expenditure falls under this management mode covering such areas as agricultural spending and structural actions.

This Commission document concerns the EU's consolidated accounts for the year 2015 and details how spending by the EU institutions and bodies was carried out. The consolidated annual accounts of the EU provide financial information on the activities of the institutions, agencies and other bodies of the EU from an accrual accounting and budgetary perspective.

It is the responsibility of the Commission's Accounting Officer to prepare the EU's consolidated annual accounts and ensure that they present fairly, in all material aspects, the financial position, the result of the operations and the cash flows of the EU institutions and bodies, including the European Union Agency for Network and Information Security (ENISA), with a view to granting discharge.

**Discharge procedure:** the final step of a budget lifecycle is the discharge of the budget for a given financial year. It 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 (and other EU bodies) from its responsibility for management of a given budget by marking the end of that budget's existence. The European Parliament is the discharge authority within the EU.

The discharge procedure may produce three outcomes: (i) the granting; (ii) postponement or; (iii) the refusal of the discharge.

The final discharge report including specific recommendations to the Commission for action is adopted in plenary by the European Parliament and are subject to an annual follow up report in which the Commission outlines the concrete actions it has taken to implement the recommendations made.

Each agency is subject to its own discharge procedure, including ENISA.

The European Union Agency for Network and Information Security: ENISA, which is located in Heraklion (EL), was established under [Regulation 460/2004/EC](#) of the European Parliament and of the Council with a view to enhancing the Union's capability to prevent and respond to network and information security problems.

As regards the Agency's accounts, these are presented in detail in the document on the consolidated annual accounts of the European Union for 2015:

Commitment appropriations:

- committed: EUR 10 million;
- paid: EUR 10 million;
- carried-over: 0.

Payment appropriations:

- committed: EUR 11 million;
- paid: EUR 11 million;
- carried-over: EUR 1 million.

For further details on expenditure, please refer to the [final accounts of the ENISA](#).

## 2016/2176(DEC) - 13/09/2016 Court of Auditors: opinion, report

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**PURPOSE:** presentation of the EU Court of Auditors report on the annual accounts of the European Network and Information Security Agency (ENISA) for the year 2015, together with the Agency's reply.

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

This audit concerned, amongst others, the annual accounts of the European Network and Information Security Agency (ENISA). In brief, the Agency's main task is to enhance the Union's capability to prevent and respond to network and information security problems by building on national and Union efforts.

**Statement of assurance:** pursuant to the provisions of Article 287 of the Treaty on the Functioning of the European Union (TFEU), the Court has audited:

- the annual accounts of the Agency, which comprise the financial statements and the reports on the implementation of the budget for the financial year ended 31 December 2015, and
- the legality and regularity of the transactions underlying those accounts.

**Opinion on the reliability of the accounts:** in the Court's opinion, the Agency's annual accounts present fairly, in all material respects, its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation and the accounting rules adopted by the Commission's accounting officer.

**Opinion on the legality and regularity of the transactions underlying the accounts:** in the Court's opinion, the transactions underlying the annual accounts for the year ended 31 December 2015 are legal and regular in all material respects.

The report also makes a series of observations on the budgetary and financial management of the Agency, accompanied by the Agency's response. The main observations may be summarised as follows:

The Court's observations:

- budgetary management: the Court noted that carry-overs of committed appropriations are high for administrative expenditure) at EUR 150 000. These carry-overs relate to investments in IT infrastructure that was ordered as planned near the end of the year.
- staff relocation: the Court noted that in 2016, the Agency plans to relocate some administrative staff from Heraklion to Athens while its basic Regulation provides that staff primarily engaged in the administration of the Agency should be based in Heraklion.

The Agency's replies:

- budgetary management: the Agency stated that the decrease of the rate of appropriations carried over to the next year from 15 % in 2014 to 7 % in 2015, due to continuous performance improvement of ENISA in this area. The carry-over is justified and related to the building project for the removal of the landlord data centre of Athens office that was only finalised in December 2015. Moreover, the procurement of 26 laptops, which reached the end of their warranty period, was finalised in December 2015, following a negotiated procurement procedure;
- staff relocation: ENISA stated that according to recital 7 of the preamble of ENISA Regulation, staff primarily engaged in the administration of the Agency [] should be based in Heraklion. However the text in the preamble is not considered to be a restrictive factor.

Lastly, the Court of Auditors report contains a summary of the Agency's key figures in 2015:

- Budget: EUR 10 million.
- Staff: 69 including officials, temporary and contract staff and seconded national experts.

## 2016/2176(DEC) - 07/02/2017 Supplementary non-legislative basic document

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Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the European Union Agency for Network and Information Security (ENISA), as well as the Court of Auditors' report on the annual accounts of the Agency for the financial year 2015, accompanied by the Agency's replies to the Court's observations, the Council recommended the European Parliament to give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2015.

The Council welcomed the Court's opinion that, in all material respects, the Agency's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that the underlying transactions for 2015 are legal and regular in all material respects.

Nevertheless, it made one observation as follows:

- financial programming: the Council noted that a high level of commitment appropriations was carried over to 2016. It encouraged the Agency to continue improving its financial programming and monitoring of the budget implementation, in order to reduce the level of commitments carried over to the following financial year to the minimum strictly necessary.

## 2016/2176(DEC) - 29/03/2017 Committee report tabled for plenary, single reading

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The Committee on Budgetary Control adopted the report by Inés AYALA SENDER (S&D, ES) on discharge in respect of the implementation of the budget of the European Union Agency for Network and Information Security (ENISA) for the financial year 2015.

The committee called on the European Parliament to grant the Executive Director of the Agency discharge in respect of the implementation of the agency's budget for the financial year 2015.

Noting that the Court of Auditors stated that it had obtained reasonable assurance that the annual accounts of the Agency for the financial year 2015 were reliable and that the underlying transactions were legal and regular, Members called on Parliament to approve the closure of the Agency's accounts. They made, however, a number of recommendations that needed to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the [draft resolution on performance, financial management and control of EU agencies](#):

- Agency's financial statements: Members noted the final budget of the European Union Agency for Network and Information Security for the financial year 2015 was EUR 10 064 274, representing an increase of 3.37 % compared to 2014.
- Budget and financial management: Members noted that budget monitoring efforts during the financial year 2015 resulted in an exceptional budget implementation rate of 100 % and that the payment appropriations execution rate was 92.89 %, representing an increase of 7.28 % compared to 2014.

Members also made a series of observations regarding commitments and carry-overs, procurement and recruitment procedures, the prevention and management of conflicts of interests and internal audits and controls.

They acknowledged the fact that the Agency has continued to emphasise the advantages of relocating the Agency to the single office in Athens. They noted that the estimated cost regarding the relocation of the remaining 14 members of staff in Heraklion as well as of all the furniture is approximately EUR 360 000. They encouraged the Greek authorities, the Commission and the Agency to find a solution for the issue of the Agency's two locations as soon as possible in order to ensure a much more efficient use of Union funds.

## 2016/2176(DEC) - 27/04/2017 Text adopted by Parliament, single reading

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The European Parliament decided to grant discharge to the Executive Director of the European Union Agency for Network and Information Security (ENISA) in respect of the implementation of its budget for the financial year 2015.

The vote on the decision on discharge covers the closure of the accounts (in accordance with Annex IV, Article 5 (1)(a) to Parliament's Rules of Procedure).

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the Agency's annual accounts for the financial year 2015 are reliable and that the underlying transactions are legal and regular, Parliament adopted by 495 votes to 113 with 13 abstentions, a resolution containing a series of recommendations, which form an integral part of the decision on discharge and which add to the general recommendations set out in the [resolution on performance, financial management and control of EU agencies](#).

These recommendations may be summarised as follows:

- Agency's financial statements: Parliament noted the final budget of the European Union Agency for Network and Information Security for the financial year 2015 was EUR 10 064 274, representing an increase of 3.37 % compared to 2014.
- Budget and financial management: It noted that budget monitoring efforts during the financial year 2015 resulted in an exceptional budget implementation rate of 100 % and that the payment appropriations execution rate was 92.89 % representing an increase of 7.28 % compared to 2014.

Parliament also made a series of observations regarding commitments and carry-overs, procurement and recruitment procedures, the prevention and management of conflicts of interests and internal audits and controls.

On conflicts of interest, Parliament noted with concern that the Agency has not provided for any specific initiative to improve transparency in its contacts with lobbyists and stakeholders and called on the Agency to enact a proactive lobby transparency policy.

Lastly, it noted that the Agency has continued to emphasise the advantages of relocating the Agency to the single office in Athens. It noted that the estimated cost regarding the relocation of the remaining 14 members of staff in Heraklion as well as of all the furniture is

approximately EUR 360 000. It encouraged the Greek authorities, the Commission and the Agency to find a solution for the issue of the Agency's two locations as soon as possible in order to ensure a much more efficient use of Union funds.

## 2016/2176(DEC) - 27/04/2017 Final act

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**PURPOSE:** to grant discharge to the European Union Agency for Network and Information Security (ENISA) for the financial year 2015.

**NON- LEGISLATIVE ACT:** Decision (EU) 2017/1690 of the European Parliament on discharge in respect of the implementation of the budget of the European Union Agency for Network and Information Security for the financial year 2015.

**CONTENT:** with the present decision, the European Parliament grants discharge to the Executive Director of the European Union Agency for Network and Information Security for the implementation of its budget for the financial year 2015.

This decision is in line with the European Parliament's resolution adopted on 27 April 2017 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 27 April 2017).

Amongst Parliament's main observations in the resolution accompanying the discharge decision, it took note of the Agency's intention to adopt internal rules on whistleblowing during the first quarter of 2017.

It noted, however, with concern that the Agency has not provided for any specific initiative to improve transparency in its contacts with lobbyists and stakeholders.

As regards the relocation, Parliament noted that the estimated cost regarding the relocation of the remaining 14 members of staff in Heraklion as well as of all the furniture is approximately EUR 360 000. The Greek authorities, the Commission and the Agency are urged to find a solution for the issue of the Agency's two locations as soon as possible in order to ensure a much more efficient use of Union funds.