

Procedure file

Basic information		
DEC - Discharge procedure	2018/2205(DEC)	Procedure completed
2017 discharge: Agency for the Cooperation of Energy Regulators (ACER)		
Subject 8.70.03.02 2017 discharge		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Budgetary Control	 SARVAMAA Petri	25/07/2018
		Shadow rapporteur	
		 KADENBACH Karin	
		 CZARNECKI Ryszard	
		 ALI Nedzhmi	
		 STAES Bart	
		 KAPPEL Barbara	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Industry, Research and Energy	The committee decided not to give an opinion.	
European Commission	Commission DG Budget	Commissioner OETTINGER Günther	

Key events			
28/06/2018	Non-legislative basic document published	COM(2018)0521	Summary
11/09/2018	Committee referral announced in Parliament		
20/02/2019	Vote in committee		
28/02/2019	Committee report tabled for plenary	A8-0113/2019	Summary
26/03/2019	Results of vote in Parliament		

26/03/2019	Debate in Parliament		
26/03/2019	Decision by Parliament	T8-0255/2019	Summary
26/03/2019	End of procedure in Parliament		
27/09/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/2205(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CONT/8/14330

Documentation gateway

Non-legislative basic document	COM(2018)0521	28/06/2018	EC	Summary
Court of Auditors: opinion, report	N8-0012/2019 OJ C 434 30.11.2018, p. 0001	18/09/2018	CofA	Summary
Committee draft report	PE626.783	10/12/2018	EP	
Supplementary non-legislative basic document	05825/2019	31/01/2019	CSL	Summary
Amendments tabled in committee	PE634.458	31/01/2019	EP	
Committee report tabled for plenary, single reading	A8-0113/2019	28/02/2019	EP	Summary
Text adopted by Parliament, single reading	T8-0255/2019	26/03/2019	EP	Summary

Final act

Budget 2019/1437
[OJ L 249 27.09.2019, p. 0148](#)

2017 discharge: Agency for the Cooperation of Energy Regulators (ACER)

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2017, as part of the 2017 discharge procedure.

Analysis of the accounts of the Agency for the Cooperation of Energy Regulators (ACER).

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.

This Commission document concerns the EU's consolidated accounts for the year 2017 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 with a view to granting discharge.

Discharge procedure: the final step of a budget lifecycle is the discharge. It is the decision by which the European Parliament releases the Commission from its responsibility for management of a given budget by marking the end of that budget's existence. It is granted by the European Parliament on the recommendation of the Council.

The decision is based in particular on the European Court of Auditors reports, in particular its annual report, in which the Court provides a Statement of Assurance (DAS) on the legality and regularity of transactions (payments and commitments).

The procedure results in the granting, postponement or refusal of 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.

All EU institutions and other agencies, bodies and joint undertakings are subject to their own discharge procedures.

The Agency for the Cooperation of Energy Regulators (ACER): the Agency, which is located in Ljubljana (SI), was set up by [Regulation \(EU\) No 713/2009](#) of the European Parliament and of the Council with a view to helping the Member States regulatory authorities in the areas of electricity and natural gas. Its aim is to give an opinion on any of the issues relating to the purpose for which it has been established.

As regards the Agency's accounts, these are presented in detail in the document on the consolidated annual accounts of the European Union for 2017:

Commitment appropriations:

- available: EUR 13 million;
- made: EUR 13 million.

Payment appropriations:

- available: EUR 19 million;
- paid: EUR 16 million.

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

2017 discharge: Agency for the Cooperation of Energy Regulators (ACER)

Having examined the revenue and expenditure accounts for the financial year 2017 and the balance sheet as at 31 December 2017 of the Office of the Body of European Regulators for Electronic Communications (BEREC), as well as the Court of Auditors' report on the annual accounts of the Office for the financial year 2017, accompanied by the Office's replies to the Court's observations, the Council recommended the European Parliament to give a discharge to the Management Committee of the Office in respect of the implementation of the budget for the financial year 2017.

The Council welcomed the Court's opinion that, in all material respects, the Office's annual accounts present fairly its financial position as at 31 December 2017 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Office's Financial Regulation, and that the underlying transactions for 2017 are legal and regular in all material respects.

Nevertheless, the following observations were made:

- performance: the Council expressed concern that due to the integration of a disaster data recover site inside the original data storage site the Agency's business continuity may not be ensured and it calls on the Agency to find appropriate and cost-efficient solutions to address this issue;

- Brexit: the Council encourages the Agency to take into account any possible financial impact of the withdrawal of the United Kingdom from the EU on its organisation, operations and accounts.

2017 discharge: Agency for the Cooperation of Energy Regulators (ACER)

The Committee on Budgetary Control adopted the report by Petri SARVAMAA (EPP, FI) on discharge in respect of the implementation of the budget of the Agency for the Cooperation of Energy Regulators (ACER) for the financial year 2017.

The committee called on the European Parliament to grant the Director of the Agency discharge in respect of the implementation of the Agency's budget for the financial year 2017.

Noting that the Court of Auditors stated that it had obtained reasonable assurance that the annual accounts of the Agency for the financial year 2017 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

The final budget of the Agency for the financial year 2017 was EUR 13 272 160, representing a decrease of 16.38 % compared to 2016, which is mainly due to the decrease of revenues related to the Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) operations.

Budget and financial management

Budget monitoring efforts during the financial year 2017 resulted in a budget implementation rate of 98.72 %, reaching the Agency's planned target and representing an increase of 0.61 % compared to 2016. Payment appropriations execution rate was at 75.81 %, representing an increase of 15.87 % compared to the previous year.

The cancellations of carry-overs from 2016 to 2017 amounted to EUR 122 606.52, representing 2.03 % of the total amount carried forward, showing a notable decrease of 7.77 % in comparison to 2016.

Members also made a series of observations regarding performance, staff policy, procurement and conflicts of interest.

In particular, they noted that:

- the Agency succeeded on the implementation of the regulation on wholesale energy market integrity and transparency and that 2017 was the first full year of data collection following the core implementation of this regulation in 2016;
- on 31 December 2017, the establishment plan was 92.65 % filled, with 63 temporary agents appointed out of 68 authorised under the Union budget;
- human resources and budget constraints at the Agency in 2017 posed risks of delays, as well as a necessity of reprioritisation of objectives and of reducing the scope of some reports and opinions;
- the resignation of a member from the Administrative Board in October 2017, for whom a potential conflict of interest was identified;
- the Agency did not carry out a comprehensive analysis in 2017 of the likely impact of Brexit on its organisation, operations and accounts. It did however carry out such an analysis in 2018.

2017 discharge: Agency for the Cooperation of Energy Regulators (ACER)

The European Parliament decided to grant discharge to the Director of the Agency for the Cooperation of Energy Regulators (ACER) for the financial year 2017 and to approve the closure of the accounts for the financial year in question.

Noting that the Court of Auditors has stated that it has obtained reasonable assurances that the Agency's annual accounts for the financial year 2017 are reliable and that the underlying transactions are legal and regular, Parliament adopted by 509 votes to 122 with 2 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 [draft resolution on performance, financial management and control of EU agencies](#):

Agency's financial statements

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Members also made a series of observations regarding performance, staff policy, procurement and conflicts of interest.

In particular, they noted that:

- the Agency overall delivered on its Work Programme despite significant challenges related to the available resources;
- it succeeded on the implementation of the regulation on wholesale energy market integrity and transparency and that 2017 was the first full year of data collection following the core implementation of this regulation in 2016;
- on 31 December 2017, the establishment plan was 92.65 % filled, with 63 temporary agents appointed out of 68 authorised under the Union budget;
- human resources and budget constraints at the Agency in 2017 posed risks of delays, as well as a necessity of reprioritisation of objectives and of reducing the scope of some reports and opinions;
- the resignation of a member from the Administrative Board in October 2017, for whom a potential conflict of interest was identified;
- measures should be taken to ensure better gender balance within its senior management;
- the Agency did not carry out a comprehensive analysis in 2017 of the likely impact of Brexit on its organisation, operations and accounts. It did however carry out such an analysis in 2018.