

## 2008 discharge: EU general budget, section III, Commission

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PURPOSE: to present the Council recommendation on the discharge to be given to the executive agencies of the Commission in respect of the implementation of the budget for the financial year 2008.

CONTENT: in accordance with Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (see [CNS/2000/0337](#)) and with Commission regulation (EC) No 1653/2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 (as last amended by Commission Regulation (EC) No 651/2008 of 9 July 2008), the Council is required to draw up recommendations to the European Parliament on a discharge to be given to the executive agencies.

Having examined the revenue and expenditure account for the financial year 2008 and the balance sheet at 31 December 2008 and the report by the Court of Auditors on the annual accounts of the Executive Agencies, the Council recommends that, in light of its examination, the European Parliament should give discharge to the Director of each Agency in respect of the implementation of the budget for the financial year 2008. It states that for each Agency the annual accounts present fairly, in all material aspects, the financial position as at 31 December 2008 and the results of operations and cash-flows for the year then ended, in accordance with the provisions of the Executive Agencies' Financial Regulation, and that, on the other hand, the underlying transactions for the financial year ended on 31 December 2008 are, in all material respects, legal and regular for the four Agencies.

The Council considers that a certain number of observations should be taken into account when granting discharge:

- Education, Audiovisual and Culture Executive Agency: the Council notes with concern the persistently high carry-over rates and encourages the Executive Agency to continue its efforts to reduce the volume of appropriations being carried over.
- Executive Agency for Competitiveness and Innovation: the Council notes that the Executive Agency's initial budget for 2008 was reduced by more than 22% later in the year following delays in the recruitment of staff and lower than expected forecasts for mission and building costs. It invites both the Executive Agency and the Commission to adopt a more realistic and effective approach when planning tasks, recruitment activities and expenditure.
- Executive Agency for Health and Consumers (formerly known as the Executive Agency for the Public Health Programme): the Council regrets that there had been shortcomings in two procurement procedures as the Executive Agency had not circulated all invitations to tender on the same day and asks it to improve the transparency and the planning of its procurement procedures, as well as to strictly implement the principle of equal treatment.
- Trans-European Transport Network Executive Agency: the Council regrets the unclear treatment of the appropriations carried forward and asks the Executive Agency to ensure that these are hence forwarded based on appropriate justifications and that those without legal commitments are decommitted at the end of the year. The Council regrets that for a significant part the staff was not recruited according to the 2008 establishment plan, while noting the explanation given by the Executive Agency that this irregularity was due to a delay in the extension of its mandate and did not affect its proper functioning.