

RESOLUTION (EU) 2016/1514 OF THE EUROPEAN PARLIAMENT**of 28 April 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2014,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0118/2016),
- A. whereas, according to its financial statements, the final budget of the European Chemicals Agency ('the Agency') for the financial year 2014 was EUR 114 112 193 representing an increase of 6,37 % compared to 2013;
- B. whereas the Agency received Union subsidies of EUR 6 513 623 from the Commission, as well as other contributions and funding from the Commission amounting to EUR 1 244 421;
- C. whereas the Court of Auditors ('the Court') in its report on the annual accounts of the Agency for the financial year 2014 ('the Court's report'), has stated that it has obtained reasonable assurances that the Agency's annual accounts for the financial year 2014 are reliable and that the underlying transactions are legal and regular;
1. Recalls that, as of 2012, the Agency was given the task of managing and carrying out technical, scientific and administrative aspects of Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾ ('BPR Regulation'), as well as similar tasks related to the export and import of hazardous chemicals under Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ⁽²⁾ ('PIC Regulation');

Follow-up of 2013 discharge

2. Acknowledges from the Agency that it published the declarations of interest of all formal bodies as well as those of its management and the Board of Appeal on its website for public scrutiny; notes that both external and interim staff are covered by the Agency's procedures on prevention and management of conflicts of interest;

Budget and financial management

3. Notes that budget monitoring efforts during the financial year 2014 resulted in a budget implementation rate of 97,08 % and that the payment appropriations execution rate was 87,46 %; notes that the payment appropriations execution rate increased by 3,28 % in comparison to the previous year;
4. Notes that the expenditure for procedures associated with the new implementation of the BPR Regulation was to be covered by application fees for the registration of biocidal products; acknowledges that the fees collected in 2014 covered only 17 % of this expenditure and the remaining part was financed by contributions to the Agency's budget from the Union and the European Free Trade Association (EFTA) countries; takes note of the Agency's comment about the Commission's incorrect assumption of the Agency's largely self-financing nature regarding the BPR related costs;

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ OJ L 201, 27.7.2012, p. 60.

5. Notes the difficulties of the Agency, in the absence of a financial reserve, to obtain additional subsidies in those years where the financial revenue from biocide fees will be lower than estimated; takes note of the Agency's concern that if this situation continues and is not compensated by a higher subsidy, it will be extremely difficult for it to continue to deliver on all its non-fee related obligations;
6. Stresses that the Agency received a Union contribution for the PIC Regulation totalling EUR 1,3 million in 2014, a contribution that allowed it to finalise the preparatory activities and ensure the successful entry into application of the PIC Regulation on 1 March 2014;
7. Notes that the revenue from fees and charges under REACH and classification, labelling and packaging of substances and mixtures (CLP) activities in 2014 amounted to EUR 27,8 million (stemming from fee income on REACH registrations, SME verification work, and interest income from reserves) thus exceeding forecasts;
8. Recalls that, in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾ ('REACH Regulation'), the Agency is financed through fees paid by industry for the registration of chemical substances, and by a possible Union balancing subsidy, in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾ ('the Financial Regulation'); notes, moreover, that in 2014, for the fourth consecutive year, the Agency was fully financed through fee income for its REACH and CLP operations;
9. Congratulates the Agency for further developing its reporting, and streamlining its financial processes;

Commitments and carryovers

10. Notes from the Court's report that the level of committed appropriations carried over to 2015 was 35 % for Titles III, IV, and V (operational expenses), representing a decrease of 11 % compared to the previous year; acknowledges that those carry-overs mainly resulted from the multi-annual nature of planned IT development projects, costs for translations ordered but not received by year-end and substance evaluations with a regulatory deadline in 2015;

Procurement and recruitment procedures

11. Establishes from the Agency that in 2014, in implementation of its budget, it signed 736 contracts, out of which 548 under framework contracts and 188 as a result of procurement; notes that 23 contracts included in the latter category were signed as a result of exceptional negotiated procedures and 11 of those 23 refer to legal services;
12. Notes with satisfaction that in 2014 the recruitment target of the Agency was achieved with 97 % of temporary posts and 94 % of contract agent positions filled at the end of that year; notes moreover that at the end of 2014 there were 479 temporary staff and 106 contract staff in place or being recruited; acknowledges that a new internal mobility policy was approved, at the beginning of 2014 in the career development area, to enhance the internal mobility possibilities and to make the process more dynamic;
13. Notes with satisfaction that following the implementation of the harassment prevention policy, four more confidential counsellors were appointed and trained during 2014;
14. Notes that the Agency is dedicating 78 % of its human resources to operational activities; encourages the Agency to continue on this path;

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ OJ L 298, 26.10.2012, p. 1.

Prevention and management of conflicts of interests and transparency

15. Acknowledges that the Agency implemented the recommendations from the Special Report of the Court No 15/2012 on the management of conflicts of interests in selected EU agencies; notes furthermore that the Agency regularly reviews and updates its conflict of interest policies;
16. Notes from the Agency that it has four scientific committees set up by its founding regulation which issue formal opinions and recommendations; takes note that those committees consist of experts, almost all of whom are public officials, nominated or appointed by the Member States, while the stakeholders are only allowed to participate as observers; acknowledges that the prevention of conflicts of interest for those committee members is strictly managed by the Agency's procedure on the prevention and management of potential conflicts of interest, including annual declarations of interests and oral declarations at the start of each meeting;
17. Acknowledges from the Agency that it decided to subject the members of its informal working groups, expert groups and discussion forums to conflict of interest management which includes annual declarations of interests and oral declarations at the start of each meeting;
18. States that the annual reports of the Agency could play an important role in compliance regarding transparency, accountability and integrity; calls on the Agency to include a standard chapter on these components in its annual report;

Internal controls

19. Notes that following the entry into force and application of the Financial Regulation, the Agency's Management Board adopted new implementing rules which have been applicable since 1 January 2015; notes furthermore that those implementing rules stipulate the rules for implementation of *ex ante* and *ex post* evaluation of programmes, projects and activities; observes that the Agency's current internal control system places a strong emphasis on *ex ante* control, while *ex post* evaluation has been performed mainly for IT projects, in line with the applicable PRINCE2 methodology for project governance at the Agency; calls on the Agency to report to the discharge authority on the results of the implementation of those new rules;
20. Acknowledges from the Agency that its Management Board adopted an anti-fraud strategy in December 2014; notes that that strategy covers the years 2015-2016 and contains an action plan with specific actions to be implemented in that time period; takes note that the internal fraud risk assessment exercise which preceded the adoption of that strategy revealed the risk profile of the Agency as low; notes that the main aim of that strategy is to develop a widespread anti-fraud culture in the Agency, with a focus on raising awareness;

Internal audit

21. Notes from the Agency that in 2014, the Commission's Internal Audit Service (IAS) carried out an audit on 'Applications for authorisation' in order to assess and provide assurance on whether the management and internal control systems to govern the process of 'Applications for authorisation' are adequate and effective enough to ensure that the applications can be processed within the stipulated timelines; notes that the audit resulted in five recommendations marked as 'important' and that no 'critical' or 'very important' recommendations were issued;
22. Notes with satisfaction that the IAS closed all outstanding actions from the audit on 'Committees Management in the Agency' performed in 2013;
23. Takes note that the Agency's Internal Audit Capability (IAC) carried out assurance audits on the implementation of confidentiality claim verification, staff training and development as well as a consultative audit on BPR processes; notes that the action plans have been developed in response to IAS and IAC recommendations;

Other comments

24. Acknowledges that the ISO 9001:2008 certification audit found the procedures and working instructions for REACH and CLP processes in its integrated management system as well described; notes from the Agency that it continues to work on increasing the efficiency and effectiveness of its operations, and also notes that the Agency will apply for the same certification for its PIC and BPR activities; notes that the Agency will proceed with the integration of an environmental management system into its quality management system;
25. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 28 April 2016 ⁽¹⁾ on the performance, financial management and control of the agencies.

⁽¹⁾ Texts adopted, P8_TA(2016)0159 (see page 447 of this Official Journal).