

Wednesday 12 June 2002

Financial Regulation of 21 st December 1977	Financial Regulation of 25 th June 2002
Article 138	Article 182
Article 139	Article 183
Article 140	Article 184
Article 141	Article 186
Article 142	Article 185
Article 143	Article 187

Statements

Re recital 19:

1. 'The Representatives of the Governments of the States meeting within Council note on the occasion of the adoption of this Financial Regulation that the internal audit function involves new aspects which are not explicitly provided for in the Treaty. They consider that at the next Intergovernmental Conference in 2004 it will be advisable to consider whether the Treaty's financial provisions should not be adjusted accordingly.'

Re Article 15(1):

2. 'The European Parliament, the Council and the Commission agree that the concept of "balance" should be understood to be the final calculation of the surplus or deficit from the financial year after application of the necessary technical adjustments to the revenue section, and in particular the corrections to the budgetary imbalances, pursuant to the Decision on own resources.'

Re Article 18(1)(c):

3. 'The European Parliament, the Council and the Commission agree that the earmarked revenue specific to each institution as mentioned in Article 18(1)(c) will be entered in their respective sections of the budget. The procedures by which the earmarked revenue and the related expenditure are entered will be laid down in the implementing provisions.'

Re Articles 22 and 47:

4. 'The European Parliament and the Council agree that the procedures for transfers and for amending the establishment plan will be applied taking due account of the Gentlemen's Agreement of 22 April 1970.'

Re Article 42:

5. 'The Council undertakes to review, on the basis of Article 184, the question of negative agricultural expenditure when it examines the new financial perspective, with a view to reaching a conclusion by 2006 at the latest.'

Re Article 44:

6. 'The Council notes that the negative reserve provided for in Article 44 is an exception to the budgetary principles of transparency and budget accuracy. Accordingly, the Council states that the need for a negative reserve must be re-examined at some point in the future on the basis of Article 184.'

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Re Article 49:

7. 'The Commission undertakes to include in the Regulation laying down the rules for implementing the Financial Regulation the total amounts currently given in points 37(a)(i) and (ii) of the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure.

If the above Interinstitutional Agreement is revised, the Commission undertakes to amend accordingly the implementing rules either to include the new total amounts agreed on by the three Institutions in the new Interinstitutional Agreement or, if the latter no longer provides for such amounts, to delete them.'

Re Article 50:

8. 'The Commission would point out that, under Article 173 of the Financial Regulation and Article 6(3) of the Commission Decision of 28 April 1999 establishing OLAF, the Director of OLAF is automatically designated as the delegated authorising officer for implementation of the appropriations devoted to the fight against fraud.'

Re Article 54:

9. 'The Commission states that the condition laid down in Article 54(2)(c)(i) and (ii) will be applied only for new proposals for programmes or actions submitted to the Council and the Parliament after the Financial Regulation comes into force.'
10. 'With reference to Article 54(2)(c), the Commission already delegates tasks involved in the administration of education, training and youth programmes to national public-service bodies, in accordance with the basic acts establishing programmes.

In the case of external aid, the main responsibilities will continue to lie with the EuropeAid Cooperation Office (Aidco).

The Commission has no immediate plans to make use of national bodies for the administration of external relations programmes.

However, should the Commission intend to delegate such administrative tasks to a national body in the case of external aid, conditions of transparency and non-discrimination in the choice of the body and in its operation, as set out in the implementing rules for the Regulation, will be strictly observed.

In applying the selection criteria, the Commission will have regard in particular to the urgency of situations and the degree of involvement and know-how of national bodies in the non-member countries concerned.

In its annual reports on assistance to non-member countries, the Commission will give an account of the way in which any delegation of tasks to national bodies is carried out.'

Re Article 59:

11. 'The Commission acts collectively in accordance with its Rules of Procedure.

Without prejudice to the principle of the collegiality of the Commission, where a Commissioner is in charge of special fields of activity, he is specifically responsible for the preparation of Commission work and for the implementation of its decisions in those fields.'

Re Article 85:

12. 'The Commission undertakes to make a report by 1 January 2006 on the application of the provisions of the new Financial Regulation and, in particular, on the discontinuation of centralised ex ante controls, and, if necessary, to submit appropriate proposals to the Council.'

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Re Article 87:

13. 'The European Parliament and the Council wish the Court of Auditors to have the possibility of commenting on the general rules applicable to the internal audit function.'

Re Article 108:

14. 'The European Parliament and the Council note the Commission's intention of submitting a proposal for a Framework Regulation in which the overall criteria regarding selection and the awarding of grants for the functioning of the bodies provided for in Article 108(1)(b) may be specified.

The three institutions undertake to achieve this objective so as to ensure that the Regulation comes into force as from the 2004 financial year.'

15. 'The Commission undertakes to take into account the remarks entered in the budget in the context of implementation.'

Re Article 146:

16. 'The provisions of Article 146 are without prejudice to the possibility for the institutions to conclude agreements on the procedures for implementing the said Article.'

Re Article 183:

17. 'Before adopting the Regulation laying down the rules for implementing the Financial Regulation, the Commission undertakes to submit draft implementing rules for an opinion from all the institutions. It also undertakes to take account, as far as possible, of the opinion delivered by the latter when it adopts the implementing rules.

The Commission will ensure that the draft implementing rules are submitted in accordance with a timetable which does not delay entry into force of the provisions of the Financial Regulation which it is the purpose of those implementing rules to implement.'

Re Article 185:

18. 'Before the summer of 2002, the Commission will submit a proposal for amending the basic Regulations of the bodies referred to in Article 185 in such a way as to adjust those Regulations to the provisions of the said Article. The Commission hopes that the legislative authority will give due priority to the examination of the proposal so that it comes into force concomitantly with the new Financial Regulation.'

19. 'Before adopting on the basis of Article 185 the framework financial regulation for the bodies set up by the Communities, the Commission undertakes to submit a draft for the opinion of the European Parliament, the Council and the Court of Auditors.

This consultation should replace the consultation on the individual financial regulation of each of the bodies mentioned.

The institutions undertake to give their opinions within six weeks of receiving the Commission's draft.

The Commission will also consult the European Parliament, the Council and the Court of Auditors in the event of revision of the framework financial regulation.'

Re statement of assurance

20. 'The Court of Auditors, the Commission and both branches of the budgetary authority, fully respecting the independence and competence of each Institution, shall cooperate in assessing regularly the information contained in the statement-of-assurance declaration in order to improve the reporting on financial management and control systems.'
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