RESOLUTION

of the European Parliament containing the comments accompanying the decision concerning discharge in respect of the implementation of the general budget of the European Union for the 2001 financial year (Section I – European Parliament)

THE EUROPEAN PARLIAMENT,

— having regard to the Revenue and Expenditure Account and Balance Sheet in respect of the financial year 2001 (SEC(2002)405 – C5-0242/2002),

— having regard to the annual report of the Court of Auditors concerning the financial year 2001 and the institutions' replies (C5-0538/2002) ([1]),

— having regard to the Statement of Assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty (C5-0538/2002),

— having regard to Article 275 of the EC Treaty, Article 78d of the ECSC Treaty and Article 179a of the Euratom Treaty,

— having regard to Article 77 of the Financial Regulation of 21 December 1977 ([2]) and Articles 145 to 147 of the Financial Regulation of 25 June 2002 ([3]) and Article 13 of the internal rules for the implementation of the European Parliament's budget ([4]),

— having regard to Article 89(7) of the Financial Regulation of 21 December 1977, pursuant to which each Community institution is required to take all appropriate steps to act on the comments appearing in the decisions giving discharge,

— having regard to Rules 93a and 184(3) and Annex V of its Rules of Procedure

— having regard to the report of the Committee on Budgetary Control (A5-0082/2003),

1. Takes note of the figures with which the European Parliament's accounts for the 2001 financial year were closed, namely:

(in EUR)

Use of appropriations	Appropriations for the 2001 financial year	Appropriations carried over from 2000 financial year	
		Article 7(1)(b) Financial Regulation	Article 7(1)(a) Financial Regulation
Appropriations available	1 012 600 000,00 ([1])	87 095 001,17	—
Commitments entered into	1 005 814 717,37	—	—
Payments made	869 193 295,71	80 185 294,78	—
Appropriations carried over to 2002			
— Article 7(1)(b) of Financial Regulation	136 621 421,66		
— Article 7(1)(a) of Financial Regulation	—	—	—
Cancelled appropriations	6 785 282,63	6 909 706,39	—

Balance Sheet at 31 December 2001: 1 501 918 591

([1]) Including supplementary and amending budget No 5/2001.

([1]) OJ C 295, 28.11.2002, p. 1.
([2]) OJ L 356, 31.12.1977, p. 1.
([3]) OJ L 248, 16.9.2002, p. 1.
([4]) PE 265.492/BUR/FIN.

General matters

2. Recalls that, following their recent revision, the Rules of Procedure and in particular Rule 93a, first indent thereof, now provide (with effect from the discharge procedure for the 2003 financial year) for discharge to be given to the President of the European Parliament, rather than the Secretary-General;

3. Takes the view that the scope of the discharge procedure should cover not only the management activities of Parliament's Secretary-General and Administration but also the decisions taken by the Institution's governing bodies, *vis-à-vis* its President, Bureau and Conference of Presidents, all the more so as the Bureau has given certain Vice-Presidents responsibility for overseeing administrative matters ([1]); instructs its competent committee to pay particular attention to those aspects when drawing up its discharge report for the financial year 2002;

4. Notes that the new internal rules on the implementation of the European Parliament's budget ([2]) (adopted to reflect the new Financial Regulation ([3]) contain a number of provisions relevant to the discharge process and, in particular,

— the designation of the President of the European Parliament as an authorising officer within the meaning of the Financial Regulation (Article 5(1) of the internal rules);

— a duty on the Secretary-General (Article 6(1) and (2) of the internal rules) to forward the annual reports of the Directors-General to the President, accompanied by a signed declaration containing an assurance as to the sound financial management of the Institution, together with any qualifying remarks;

5. Instructs its President to forward such annual reports to the Committee on Budgetary Control for consideration for the purposes of the discharge procedure;

Implementation of the budget

6. Notes the high level of implementation of the budget as evidenced by the take-up rate (commitment) of available appropriations in the 2001 financial year (99,33 % as against 99,28 % in 2000 and 98,97 % in 1999); notes that the level of use (payment) of appropriations automatically carried over from the previous year has remained more or less constant in recent times (2001: 92,07 %, 2000: 91,16 %, 1999: 91,96 %);

7. Congratulates the Secretary-General on the efficient use of the budgetary appropriations made available by Parliament as disclosed by the high utilisation rates;

8. Notes that the principal changes to the appropriations in the 2001 budget as originally adopted concerned:

— Article 200 (rent and annual lease payments): 173,79 % increase intended to accelerate the financing of the LOW building in Strasbourg;

— Article 201 (insurance): 186,54 % increase resulting from the need to conclude additional contracts following the cancellation by its insurers of existing cover in the wake of the events of 11 September 2001;

instructs its Secretary-General to inform its Committee on Budgetary Control of the progress of legal proceedings against its former insurers;

([1]) See list of responsibilities of Bureau Members: PE 315.558/BUR/DEF.
([2]) See Bureau minutes 4.12.2002.
([3]) OJ L 248, 16.9.2002, Annex 2.

9. Takes note ([1]) that the number of documents checked by the Financial Controller remained broadly stable at 33 146 in 2001 (2000: 33 335) while the document return rate (error rate) ([2]) increased slightly from 7,0 % in 2000 to 7,6 % in 2001 (1999: 8,4 %);

10. Is concerned that the large number of errors, which are now detected and set right because of the activities of the Financial Controller, will go undetected when ex-ante verification is abolished;

11. Welcomes the continuing fall in the number of instances in which the Financial Controller withholds his approval ([3]) (1999: 12, 2000: 8, 2001: 6, 2002: 4) as evidence that the programme of professional training in the budgetary field for authorising officers is bearing fruit; points out that of those six withholdings in 2001 four were overruled by the superior authority and one (No 01/04) was referred to OLAF which, after investigation, concluded that there was no evidence of financial irregularity;

12. Recalls paragraph 4 of its discharge decision of 10 April 2002 for the financial year 2000 ([4]) concerning the President's overruling of withholding of approval (WOA) No 01/06 (failure to keep an adequate record of interpreting costs during 2000); notes that at its meeting of 13-14 May 2002 the Bureau approved the conclusions of the administrative inquiry and instructed the Interpretation Directorate to assess the feasibility of the inquiry's recommendations; questions the usefulness of such a circular approach;

13. Notes the conclusion of the Court of Auditors in its communication of 15 November 2002 concerning decisions to overrule withholdings of approval during the financial year 2001 that this aspect of internal control is operating normally in that it has revealed anomalies in administrative management but which do not call into question the legality of expenditure or compliance with public procurement rules; points to the overall opinion expressed in the section of the Court of Auditors annual report for 2001 concerning administrative expenditure (paragraph 7.16) that the audit of the reliability of the accounts did not reveal any evidence of material misstatements;

14. Recalls that following the Bureau's decision of 10 December 2001, with effect from 1 January 2002, under Parliament's Internal Rules the Committee on Budgetary Control is simply informed of withholdings of approval (WOA) by the Financial Controller; notes that of the four WOA's during 2002 three were overruled by the President pursuant to Article 21 of the Internal Rules; expresses concern at the circumstances of WOA No 02/02 concerning the regularisation of telephone bills charged to the Bonn information office over the period 1992 to 1998; asks its Secretary-General to consider whether the case merits an administrative inquiry and to inform its competent committee of his conclusions;

15. Asks the Secretary-General to indicate to what extent the recommendations from the Committee on Budgetary Control in relation to cases of withholdings of approval by the Financial Controller in the year 2001 were actually implemented;

Presentation and content of the accounts (analysis of budgetary management)

16. Welcomes the Court of Auditors' recognition in paragraph 7.3. of its Annual report 2001 that — following the observation made in paragraph 7.3. in its Annual report 2000 — Parliament has improved the presentation and user-friendliness of its analysis of budgetary management; believes, nevertheless, that further efforts can be made to inform readers in an easily understandable manner of the most significant features of expenditure for the year, possibly by analogy with a company's annual report to its shareholders; regrets that a document as important as Parliament's annual

([1]) *Source:* Financial Controller's Report to the Institution No 02/01 (PE 315.560/BUR/Ann).
([2]) Defined as correcting communications as a percentage of files submitted.
([3]) See Annex.
([4]) OJ L 158, 17.6.2002, p. 43.

accounts should be available only as a sub-section of a technical volume published by the Commission in one language (SEC(2002)405 — FR); asks its Secretary-General to report on the feasibility of publishing Parliament's 'Compte de gestion', including a further improved analysis of budgetary management, on Parliament's website;

17. Recalls paragraph 12 of its abovementioned decision of 10 April 2002 concerning the absence from Parliament's balance sheet of any reference to the contingent liability corresponding to its officials' pension rights; notes with satisfaction that the Commission's consolidated balance sheet (SEC(2002)406 — FR Volume IV) now includes a provision (15 300 for liabilities and charges in respect of the pension scheme of all EC officials together with a reminder that the 'Member States shall jointly guarantee payment of such benefits' ([1]);

18. Notes with satisfaction the assurance ([2]) given by the Secretary-General that none of the problems alleged to exist in the Commission's accounting system affect the European Parliament; notes that the European Parliament does not share the same accounting system as that used by the Commission, and that its budget and expenditure patterns are of an entirely different order; recalls that the Court of Auditors has not at any point identified deficiencies in the European Parliament's accounting system such as to indicate problems of the kind encountered by the Commission;

Management follow-up to the recommendations made in the ROME-PE study

19. Welcomes the efforts to direct Parliament more towards Activity Based Management and improving the service available to Members in their parliamentary work; notes with interest the notes from the Secretary-General on 'Raising the game' ([3]) and looks forward to assessing the specific proposals of the Secretary-General on the basis of the preparatory work of the Bureau working groups in October 2002; expects them to increase operational effectiveness and budgetary efficiency in maximising the potential of Parliament's human and financial resources; underlines the urgency of these measures in light of the substantial increase and complexity of Parliament's workload but also the impact of enlargement in 2004 ([4]);

20. Takes note of the final conclusions and recommendations of the external ROME-PE study on the operational jobs inventory of Parliament (delivered in December 2001) and the reflection this has stimulated in making more effective use of the staff skills base ([5]);

21. Welcomes the creation of a database of the posts in the Secretariat, which has been operational since 1 January 2003 allowing detailed statistical analyses to be made of the ongoing situation as regards the establishment plan and the compiling in 2003 of another database for skills, which will allow the functional needs of Parliament (database) to be matched with the human resources available (skills base) ([6]);

22. Welcomes the restructuring of DG5 ([7]) through the creation of a division for Human Resources and Internal Organisation which, together with the Professional Training Division reports directly to the Director-General; considers that this marks a clear and welcome shift from the traditional administration of human resources to more pro-active management of human resources;

([1]) Article 83(1) Staff Regulations.
([2]) Questionnaire and replies PE 315.838 (Q5).
([3]) PE 318.464/BUR, PE 324.669/BUR, PE 324.894/BUR.
([4]) Questionnaire and replies PE 315.838 (Q7).
([5]) Questionnaire and replies PE 315.838 (Q7).
([6]) Questionnaire and replies PE 315.838 (Q7).
([7]) Questionnaire and replies PE 315.838 (Q14).

23. Notes that this rationalisation of human resources with a view to enlargement is linked to the proposals for an early retirement scheme for officials of Parliament and its political groups; expects the release of officials eligible under this scheme to be conducted in a fully fair, transparent and non-discriminatory manner which also does not result in depriving Parliament of all its expertise at a stroke ([1]);

24. Welcomes the proposals for the improvement of the assistance provided by the secretariat of Parliament to its Members in the context of their legislative activities; considers that these proposals are an important first step towards organising the work of Parliament's secretariat in an up-to-date way; points out, however, that this should not reduce the political role of the European Parliament; calls on the Secretary-General to forward the final report on the reorganisation of the Secretariat and its working methods to the Committee on Budgetary Control ([2]);

25. Is disappointed that little progress has been made in agreeing 'negative priorities' over the past 12 months and thus making savings in non-essential activities and instructs its Bureau to re-examine the possibility of restarting the process;

Mobility

26. Supports the mobility policy and notes that some 118 A-grade officials (a little over 20 % of the total) have been subject to mobility in the three years of the scheme's operation, that mobility has become an accepted part of the culture of the Secretariat-General and that an essentially positive view of mobility is taken by those involved, both heads of service and officials subject to mobility ([3]);

27. Takes note of the criticism ([4]) that the procedure is seen as excessively rigid, insists that a more individual-oriented approach, together with the development of a variety of human resources management tools, should lead to improvements as regards accompanying measures, particularly as regards professional training; also believes that the rate of mobility should be increased for younger members of staff; welcomes the recent amendment to the Bureau's rules on mobility to establish accelerated mobility for new officials at the start of their career and to capitalise on the experience acquired by older officials by extending the reference period from five to seven years;

28. Welcomes the widening of the system of 'décloisonnement' by which LA officials may be transferred to A-posts at the same grade without passing an A-category competitive examination; draws attention, however, to the unfavourable position of former LA officials who passed a competition and moved to an A-category post before 'décloisonnement' and were thereby placed at the starting grade (A7) in the A-category irrespective of their seniority in the LA category; points out that such former LA officials are unfairly prejudiced in their career advancement by comparison with their colleagues who benefit from 'décloisonnement' with the result that they remain at the same salary level much longer (in some cases for over 10 years) than other officials (5 years); asks the Secretary-General to draw up a list of such officials and to make proposals by 1 July 2003 to remedy this unfair situation;

Equal opportunities

29. Points out that on more than one occasion it has strongly advocated the need for equal opportunities between men and women, in particular the promotion of women to senior levels in the European institutions; regrets that over the whole period 1999 to 2001 this objective has not been achieved; is concerned that only 22 % of 'A' grade employees are women, that none of the 3

([1]) Questionnaire and replies PE 315.838 (Q7).
([2]) Questionnaire and replies PE 315.838 (Q7).
([3]) Questionnaire and replies PE 315.838 (Q10).
([4]) Questionnaire and replies PE 315.838 (Q10).

recent Director-General appointments were female; regrets that over the period July 2000 to 15 December 2001, out of 6 A1/A2-posts only one woman was appointed, out of 12 A3-posts only men were appointed and out of 4 LA 3-posts only one woman was appointed; also notes that for the remaining promotions in category A in 2001 out of all the men and women eligible for promotion only 14,3 % of women were promoted whereas 30,8 % of men were promoted; notes a positive trend in recruitment of female administrators in 2001 (7 men/7 women) ([1]);

30. Underlines that the persistent problem of the excessively low number of women in high grades ([2]) and the lack of progress in this area should not obscure the progress made over the past three years in the areas of working conditions, social infrastructure and raising awareness among the hierarchy;

31. Supports the objectives set in the Lalumière report ([3]) to the Bureau that by 2007, 2 women should be appointed to A1 level and by 2005, 2 women should be appointed to A2-posts, 8 women to A3-posts and that in the LA category greater use should be made of 'décloisonnement' so as to increase the number of women in A3-posts; also welcomes the proposal to recruit an equal number of men and women in the A category;

32. Supports the Bureau decisions on career development and human resources policy ([4]), in particular (i) the necessity to give systematic preference, where there is equal merit, to female applicants for management posts for as long as the imbalance continues; (ii) the encouragement of applications from women from middle-management posts through regular training and awareness-raising measures; (iii) the obligation for the EPSO (European Communities Personnel Selection Office) to honour the equal opportunities obligations written into recent treaties and to ensure that the sexes are represented equally on its governing body; (iv) to ensure a balanced gender representation on selection boards and the use of gender-neutral selection procedures;

Part-time working

33. Welcomes the information ([5]) that in 2001 none of the 438 requests for part-time working was refused; supports the Bureau decision of 11 June 2001 under which the Administration has instituted a system whereby half-time working is compensated by the recruitment of temporary agents;

34. Notes that the Strasbourg session inadvertently discriminates against part-time employees, the majority of whom tend to be women;

Curbing mission costs

35. Welcomes the renegotiation of the 'Fontaine-Juncker Agreement' ([6]) so that, as from 2004, only 50 % of Parliament's permanent staff need be based in Luxembourg, which will enable the transfer of additional staff to Brussels, particularly after enlargement;

36. Welcomes the stabilisation at a reduced level of the expenditure on staff missions between Luxembourg and Brussels due to the transfer of staff, carried out on a consensual basis and with the necessary sensitivity to social issues; supports the proposed merger of the studies/research services currently based in Luxembourg with the committee secretariats to be based in Brussels;

([1]) Questionnaire and replies PE 315.838 (Q11 and annex 2).
([2]) See report to the Bureau by Mrs Lalumière Vice-President (PE 318.444/BUR).
([3]) See report to the Bureau by Mrs Lalumière Vice-President (PE 318.444/BUR).
([4]) See report to the Bureau by Mrs Lalumière Vice-President (PE 318.444/BUR).
([5]) Questionnaire and replies PE 315.838 (Q13).
([6]) Questionnaire and replies PE 315.838 (Q20).

37. Requests that missions by the Vice-Presidents' and Quaestors' assistants should ordinarily be limited to Brussels and Strasbourg and that anything beyond this should be subject to a maximum yearly ceiling per assistant;

European Anti-Fraud Office (OLAF)

38. Takes the view that cooperation between the European Parliament and OLAF is generally satisfactory; draws attention, however, to the following difficulties:

— the excessive time taken to complete investigations;

— doubts as to whether the rights of defence of persons investigated are in all cases adequately respected;

— witnesses may agree to give evidence to assist in the conduct of an investigation without being aware that the final report may contain an assessment of their personal involvement in the alleged fraud under investigation;

39. Asks the OLAF supervisory committee to consider these matters in the context of its evaluation activities;

Staff reports

40. Recognises that annual staff reporting using a system of promotion points requires a great deal of work but, on the other hand, fosters greater dialogue within departments and leads to a more stable and predictable career development and enables greater, though still insufficient, account to be taken of merit ([1]);

Training

41. Underlines the importance of the adoption of the new Financial Regulation which entered into force on 1 January 2003 and the fact that it applies to all Institutions equally; congratulates the Secretary-General on the speed and effectiveness with which the Administration made the necessary internal preparations for the implementation of the new Financial Regulation; calls on the Secretary-General to ensure that its principles and provisions are fully respected throughout the Institution and that all authorising officers receive adequate training before taking up posts with financial responsibility; notes with satisfaction that 12-day modular management courses are now obligatory for all appointments to A3 posts and above;

Recruitment

42. Notes the Bureau's recent rules governing the procedure for appointing senior officials within Parliament's Administration ([2]); invites its President to submit a report to the Committee on Budgetary Control by 1 July 2003 assessing the operation of the new rules, indicating any problems which may have been experienced and, in particular, examining whether and to what extent it has been possible for the Bureau when making senior appointments to depart from the traditional practice of assembling geographically and politically balanced packages and to move forwards a policy of appointments based on qualifications, merit and ability;

43. Remains concerned at the lack of transparency in the appointment procedure to senior posts in Parliament; considers that the concern to safeguard the privacy of applicants is not justified by the lack of openness in the procedure; calls for the names of all successful applicants for senior

([1]) Questionnaire and replies PE 315.838 (Q14).
([2]) Questionnaire and replies PE 315.838 (Q20).

positions (A1, A2, A3) in the secretariat of Parliament and its political groups to be published on the noticeboards and in the internal bulletin of the Institution; instructs its Secretary-General to publish the lists of successful candidates in open and internal competitions;

44. Welcomes the establishing a European Communities Personnel Selection Office by a decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman on 25 July 2002 ([1]); notes that the Office is already taking charge of the selection of pre-enlargement auxiliaries on behalf of the Institutions for the purpose of drawing-up lists of suitable candidates; hopes that this will lead to the creation of a common European civil service, the curbing of costs and greater mobility between the institutions ([2]);

Short-time staff

45. Notes that under current rules, non-session auxiliaries can be employed for a maximum of three years ([3]); requests that the changes to the recruitment and management system planned for 2003 (by way of decentralised budgets and a 'pool' system) lead to greater stability and predictability for the staff concerned; calls for consideration to be given to ways of improving the statutory position of local staff employed in Strasbourg;

Members' restaurant, self-service canteen and bars

46. Notes that the CBRS sector (Canteens, bars, restaurants, shop) has a complex structure involving three working places, many points of sale, an imprest account, an annual subsidy from Parliament's budget, an outside catering contractor and auditor, and a combination of accrual and budgetary accounting; recognises, without in any way calling into question the regularity of its financial management or its current structure, that for these reasons it is not easy to form an overall view of the operations of the CBRS sector; instructs its Secretary-General to supply the Committee on Budgetary Control by 1 July 2003 with a brief and simple explanation of the way in which the CBRS sector functions, and in particular, the relationship between the annual subsidy and the overall profit/loss situation;

Places of work and buildings

Seat of the European Parliament

47. Notes that the detailed analysis ([4]) of the costs of Parliament's three places of work was sent to the European Convention on 16 October 2002; notes that the annual cost of maintaining the three places of work is estimated at EUR 169 million, including EUR 120 million for the infrastructure (EUR 60 million rent of 300 000 square meter meeting rooms, offices and technical areas, EUR 18 million ancillary costs (water, gas, electricity, insurance, maintenance of technical installations, security) EUR 42 million for technical equipment, fitting-out and furnishing of premises), EUR 40 million for extra staff and missions (employment of supernumerary staff — EUR 22 million; mission expenses — EUR 18 million) and EUR 9 million for miscellaneous and other costs (telephone subscriptions, charges for telephone and telematic communications, insurance cover for telephone, IT, audiovisual equipment, office supplies, handling operations involving 15 lorries transporting cupboards and tin trunks full of documents);

([1]) OJ L 197, 27.7.2002, p. 53.
([2]) Questionnaire and replies PE 315.838 (Q14).
([3]) Questionnaire and replies PE 315.838 (Q14).
([4]) PE 320.860/BUR/FIN — see also questionnaire and replies PE 315.838 (Q25).

48. Notes that 25 855 days per year are lost due to staff travel to Strasbourg; notes that this amounts to a cost for the taxpayer of EUR 3,9 million, and is the equivalent to the employment of 60 full time staff members per year; requests that the figures presented in the report on the cost of Parliament's three places of work be adjusted to include this additional information and sent to the European Convention;

49. Underlines that the forthcoming enlargement will result in an increase in the volume of Parliament's budget by 20 %; considers that the costs involved in maintaining three places of work are likely to follow the same trend and result in additional costs of about EUR 34 million;

50. Underlines the loss of efficiency for Members occasioned by travelling time, by having two sets of filing systems and by the regular moving of archives, etc. from one place of work to another and takes into account the indirect costs for members (different modes of transport available to Members, extra length of journeys and frequency of flights);

51. Accepts the view that any concentration of activities in one place of work would entail one-off infrastructure and staff removal costs; recalls that those costs would probably be offset by Parliament's vacating the larger premises currently occupied; recognises that recurring costs might also arise and that those would vary considerably depending on the country selected;

52. Admits that the decision on the meeting places of the Parliament has been laid down in the Treaty, but against the will of Parliament;

53. Urges the European Convention to take due account of this study and to discuss the desirability of concentrating the activities of the European Parliament in one place; calls on the Convention to amend Article 289 of the EC Treaty and to ensure that the European Constitution stipulates that the European Parliament and its members can themselves decide where the seat of Parliament should be and where it wants to carry out its work; calls on its representatives in the European Convention to defend this position in the Convention;

54. Is astonished that the cost of committee meetings outside Brussels, Strasbourg and Luxembourg amounts to EUR 1 144 530 per annum; asks that committees should be limited to a maximum of one 'external' meeting per annum, and that this should be justified with an explanation as to why the Committee cannot meet in one of the three places of work, and should be approved by Parliament's Bureau;

Buildings policy in Strasbourg — LOW

55. Regrets that the negotiations on the final investment cost of the LOW Building are still on hold pending the outcome of the action before the Court of Justice regarding the contractual completion date and points to the uncertainty this creates for Parliament's budget planning ([1]);

56. Insists that, notwithstanding the court proceedings ([2]), talks should continue at administrative and political level with SERS (Société d'aménagement et d'équipement de la region de Strasbourg) and Strasbourg City Council in an attempt to find ways of narrowing the gap between the price SERS is asking for and the price Parliament is prepared to pay;

57. Recommends to the Bureau that it reconsider the proposal to build two new meeting rooms in Strasbourg; considers that a reconfiguration of the existing buildings could be sufficient to accommodate the arrival of new members after enlargement;

([1]) Questionnaire and replies PE 315.838 (Q34, 44).
([2]) Questionnaire and replies PE 315.838 (Q34, 44).

Buildings policy in Luxembourg

58. Welcomes the fact that the Luxembourg authorities have now repaid in full the costs incurred in August 2000 when the ADG building had to be vacated owing to work to remove asbestos ([1]);

Buildings policy in Brussels

59. Notes that since 15 January 2001 all the buildings in Brussels are now owned by Parliament following the capital injections made in previous years;

Paved area

60. Points out that under Article 3(2)(a) of the Protocol between the European Parliament and the Belgian Government, signed on 23 July 1998, the latter is responsible for all the upkeep and maintenance costs charged to the European Parliament; notes that the draft additional memorandum of understanding between the European Communities and the Kingdom of Belgium on the reimbursement of the amount paid by the European Parliament for the maintenance and upkeep of the paved area was forwarded to the Belgian authorities on 25 April 2002; notes that a follow-up letter was forwarded on 23 October 2002 and that no reply has been made to either letter; notes that the total amount involved is EUR 4,74 million (value 31.12.2001) ([2]) and urges the Belgian government to comply with its obligations forthwith;

D4-D5/Ardenne

Parliament's handling of the project selection process

61. Recalls that a number of factors were decisive in the selection of the D4-D5/ARDENNE project to extend the EP's existing buildings in Brussels: the location and accessibility of the sites in relation to the buildings currently occupied and agreement of the Belgian Government to meet the costs of the land and site development;

62. Recalls that the President of the European Parliament sent a letter to the Belgian Prime Minister on 8 March 2001 asking whether land would be provided free of charge for any property project planned by Parliament (and not only in respect of the site for the D4-D5 building, as stated by Mr Martens by letter of 18 November 1991, afterwards confirmed by Mr Dehaene) and whether the federal authorities owned a building or site which could be made available to Parliament; notes that this question remained unanswered even after Parliament sent the Belgian Prime Minister a letter of reminder on 13 July 2001 ([3]);

63. Regrets that at the time of the market prospection the provision of land free of charge was guaranteed by the Belgian Government only and solely for the D4-D5/Ardenne-project; notes nonetheless that the project assessment carried out by Parliament was based on functional criteria only;

64. Notes that Promotion Leopold (a subsidiary of S.A. SEL) in the case of the D4-D5 buildings, and S.A. Immomills Louis De Waele Development in the case of the Ardenne building forwarded documents establishing exclusive rights over the sites concerned, notes that SA Promotion Leopold is the outright owner of 11 % of the D4-D5 sites and has a purchase option on 89 % of the other

([1]) Questionnaire and replies PE 315.838 (Q37).
([2]) Questionnaire and replies PE 315.838 (Q36).
([3]) *Source:* Note to the Members of the Bureau 'selection of a building project in Brussels', PE 308.949/BUR, 17 October 2001.

D4-D5 sites, enabling it to acquire ownership of them at any time up to 6 April 2005, the date on which the option will expire (purchase option agreement of 6 April 2000 between the SNCB and SA Promotion Leopold) whereas SA Immomills Louis De Waele Development acquired the 'Ardenne' site by a contract of sale dated 23 January 1998 ([1]);

65. Notes that this situation would justify the application of the 'negotiated procedure' ([2]) under Article 7(3)(b) of Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public work contracts ([3]);

66. Considers that the Administration and Bureau of the European Parliament acted correctly in trying to find a suitable solution for the extension of the EP's buildings in Brussels and that a genuine effort was made to take the most favourable decision for the European Parliament in the particular circumstances, in full transparency and in compliance with the provisions of the Financial Regulation and Community law on public procurement ([4]);

67. Considers that during the previous parliamentary term, the European Parliament did not have a legal basis to justify reserving building land with a view to a possible enlargement of the European Union, in the context of institutional dialogue with the Belgian Federal Government; the enlargement project was surrounded by great uncertainty and Parliament's Bureau was unable to take official decisions about enlargement until it had the legal basis of the Treaty of Nice and the confirmation of the Copenhagen European Council; at that time, the rights of ownership of the adjacent plots of land were already in the lands of SA Promotion Léopold and SA Immomills Louis De Waele Development;

The situation faced by Parliament

68. Regrets that even after the assurances given by Prime Ministers Martens and Dehaene the Belgian Government failed to make the sites concerned available to the Parliament but offered estate agents and developers the possibility of buying or acquiring an option to purchase the property, for example by means of a 'purchase option agreement' between the developers of the D4-D5 project and the SNCB (Société nationale des chemins de fer belge) concluded on 6 April 2000 which itself arose from an earlier agreement of 22 May 1990 concerning the D4-D5 buildings; is astonished that the SNCB signed up to this strategy;

69. Considers that this state of affairs presented the European Parliament with a fait accompli and deprived it of the freedom to apply Community public procurement law in full; considers that it would have been better to have had a public invitation to tender for the building of an extension to the EP on the land that had earlier been made available by the Belgian Government free of charge;

70. Considers that although the Administration and the Bureau of the Parliament acted correctly in applying Community law on public procurement, it would be an appropriate matter for inquiry by the competent authorities (national and/or European) as to whether Parliament's decision-making freedom has been restricted by the arrangements made between the Belgian authorities and other third parties;

([1]) *Source*: Legal opinion on the procedure for concluding a long-term lease with an option to purchase in connection with the negotiations on the D4-D5 buildings in Brussels (SJ-281/00, 6 December 2000) and Legal opinion on the choice of a negotiated procedure with the developers of a building in Brussels in the context of the future enlargement of the European Union SJ-262/01.

([2]) *Source*: Legal opinion on the choice of a negotiated procedure with the developers of a building in Brussels in the context of the future enlargement of the European Union (SJ-262/01).

([3]) OJ L 199, 9.8.1993, p. 54.

([4]) Questionnaire and replies PE 315.838 (Q39).

Social infrastructure

71. Calls for every effort to be made to guarantee access to the new buildings for disabled people;

Brussels crèche

72. Welcomes the fact that the EP has secured a purchase option ([1]) on the Albert I-Institute (Wayenbergstraat) owned by the Marie Haps Foundation, as a result of which it will be possible to extend existing childcare capacity by the end of 2004;

Security policy

73. Draws attention to the fact that even before the 11 September 2001 attacks the Bureau and the Secretary-General had turned their attention to security policy; refers to the notes of 14 September 2000 ([2]), 9 May 2001 ([3]), 18 September 2001 ([4]) and 20 February 2002 ([5]); endorses the measures in force concerning stricter checks on access and better checks on visitors; urges a stepping-up of the cooperation with national security services that is essential for the security of the buildings in Brussels, Luxembourg and Strasbourg; regrets that the police surveillance of the buildings in Brussels is inadequate; calls on the Belgian Government to provide the same security for the European Parliament's buildings as for the federal and regional parliaments, inter alia by enlisting the services of the Military Police (MP);

74. Recognises the problems of street crime in the European district; calls for adequate checks by the police but notes that some of the problems are also due to the siting of the European institutions, which has turned what was originally a residential area into an urban wasteland; points out that a mixed district with offices and housing and healthy social control can make a major contribution to greater security; calls for greater consultation and dialogue between local residents and the European Parliament;

75. Regrets that the Court of Auditors did not approve the request made in paragraph 16 of its resolution of 13 April 2000 ([6]) on postponing the discharge decision for a special report on the practice of awarding tenders for security services for its building, including an examination of whether it is economically viable;

76. Reiterates this request for the drawing-up of a special report on invitations to tender for contracts for the surveillance of Parliament's buildings, including an examination of their economic viability, as the problems raised back in 2000 do not appear to have been solved;

Better use of EP buildings

77. Supports the proposal that better use should be made of Parliament's buildings; points out that this would increase the occupation rate of the buildings in Brussels and Strasbourg significantly; considers that this approach would give Parliament an added dimension by enabling it to become a player in the political debate other than through its strictly parliamentary activities; takes the view that this use of the buildings could involve citizens more directly in European integration by putting on events attracting media coverage and public involvement;

([1]) Questionnaire and replies PE 315.838 (Q32).
([2]) PE 293.557/BUR and Annexes.
([3]) PE 302.593/BUR and Annexes.
([4]) PE 308.879/BUR.
([5]) PE 311.852/BUR.
([6]) OJ C 40, 7.2.2001, p. 398.

78. Supports the five criteria laid down for such initiatives: consistency with Parliament's political guidelines, respect and dignity of the European Parliament, direct extension of parliamentary activities, openness and media coverage, cost control (reasonable cost, search for external co-funding);

Political groups

79. Recalls that in accordance with paragraph 2.7.1 of the rules on the use of appropriations from budget item 3701 ([1]), the audited reports (i.e. accounts) of the political groups and the equivalent reports of the non-attached Members are forwarded to the Committee on Budgetary Control;

80. Endorses the following remarks in relation to the political groups' accounts:

(a) the accounts of seven political groups (PPE-DE, PSE, UEN, ELDR, GUE/NGL, EDD, Verts/ALE) have been published on Parliament's website in accordance with paragraph 48 of the abovementioned decision of 10 April 2002;

(b) although one group submitted the accounts of a Luxembourg foundation to the President (disclosing assets including equity investments and real property), those accounts have not been published on Parliament's website;

(c) for the sake of completeness, the website should also include the audited accounts of the TDI group, dissolved on 2 October 2001;

(d) the internal financial rules of the political groups for the use of the 3701 appropriations shall also be published on Parliament's website;

(e) in each of the seven cases the auditors have issued an unqualified opinion on the group's accounts;

(f) despite an increase in the take-up rate of the 3701 appropriations, varying between 87,96 % and 105,45 % in 2001 (compared with much lower figures in 2000), the groups' accounts still show substantial carry-overs from year to year amounting to more than half of the annual subsidy for each group; on 28 November 2001 the Bureau adopted an interpretation of Article 2.1.6 of the rules on the use of appropriations from budget item 3701, to the effect that the ceiling (of 50 % of the annual appropriations) imposed on the carrying-over of unused appropriations (a ceiling applicable from 1 January 2002) would apply only with effect from the carrying-over of the 2002 appropriations of the 2003 financial year;

(g) notwithstanding the availability of substantial carry-overs, Parliament's budget for 2003 increased the 3701 appropriations by 8,4 %; in the interest of sound financial management no further derogations from the carry-over rules should be authorised;

81. Notes the following remarks in relation to the accounts of the non-attached Members:

(a) under the rules presently in force (budget item 3701) the accounts of the non-attached Members are not audited but merely inspected and, in some cases corrected, by the Administration; the Secretary-General is asked to report on the feasibility of requiring an external auditor's certificate in future;

(b) the provisions of the 3701 rules concerning non-attached Members need to be revised and clarified in order to avoid claims for ineligible items of expenditure (i.e. those already covered by Members' allowances, e.g. general expenditure allowance, secretarial allowance) ([2]) and accompanied for Member's guidance by a list of items qualifying under the 3701 rules;

([1]) Annex to Bureau minutes 1.2.2001 (PE 315.827).
([2]) Questionnaire and replies PE 315.838 (Q50).

82. Notes that on the basis of information provided by the Secretary-General ([1]) the 3701 rules need to be reviewed in order to determine whether they are compatible with the new Financial Regulation and that a working group will report its conclusions and recommendations to the Bureau by the end of March 2003; requests its Bureau to base any revision of the 3701 rules on the following considerations:

— the need to spell out in clear terms the political groups' responsibilities as regards the implementation of the budget;

— the opinion of Parliament's Legal Service that the legal, financial and contractual position of the groups should be spelt out explicitly in the Rules of Procedure or other internal rules ([2]);

— the rules should clearly state the checks which the auditors are required to carry out and the specific assurances which they must give in their certificate of conformity based on the best practice currently applying among the groups' auditors and, in particular, an assurance that the 3701 appropriations have not been used to acquire real property or to finance an election campaign;

83. Welcomes the information provided by the Secretary-General that the accounting officers of the political groups will shortly supply the Administration with an inventory of their fixed assets indicating the value thereof ([3]); asks the Secretary-General to submit a global report to the Committee on Budgetary Control covering the inventory of all the political groups together with proposals in relation to the particular problem of property purchased by the political groups for their national delegations and kept in locations to which the Administration does not have access;

84. Notes with satisfaction that the Court of Auditors work programme for 2003 includes a follow-up report of the Court's Special Report No 13/2000 on the expenditure of the European Parliament's political groups ([4]);

85. Instructs its Committee on Budgetary Control to continue to dedicate a section of its annual discharge to the accounts of the political groups and the non-attached Members giving particular attention to any specific remarks made by the Court of Auditors in the context of the discharge for the 2002 financial year;

86. Notes the adoption by the Commission on 19 February 2003 of a proposal for a Regulation of the European Parliament and of the Council on the Statute and financing of European political parties (COM(2003) 77 final); notes that following the entry into force of the Nice Treaty the procedure is now subject to co-decision; expresses the hope that the Council and Parliament in the third year since the publication of the Court of Auditors' special report 13/2000 on this matter, will be able to take a decision for the implementation of the Statute before the next European elections;

87. Reiterates the request made in its abovementioned resolution of 13 April 2000 for the financial year 1999 and in its discharge decision of 4 April 2001 ([5]) that the Court of Auditors audit the political groups' finances every two years to assist the Committee on Budgetary Control in drawing up the report under Article 2.7.3. of the rules on the use of Item 3701 appropriations ([6]);

Awards of contracts

88. Notes that in 2001 ([7]) the Advisory Committee on Procurements and Contracts (ACPC) was consulted on 279 transactions or procurement procedures for a total value of +/- EUR 430 million, including 3 capital injections (buildings) representing +/- EUR 320 million and that the proportion of competitive contracts was broadly comparable with previous years:

([1]) Questionnaire and replies PE 315.838 (Q49).
([2]) SJ 316/02.
([3]) Questionnaire and replies PE 315.838 (Q52).
([4]) OJ C 181, 28.6.2000.
([5]) OJ L 160, 15.6.2001, p. 25.
([6]) PE 298.252/BUR/fin. Bureau Minutes of 11.12.2000 and 1.2.2001.
([7]) *Source*: ACPC activity report 2001.

	2001	2000	1999
Open invitations to tender	104	107	107
Restricted invitations to tender	61	73	64
Automatic awards	19	15	7
Negotiated procedure	32	19	36
Private treaty	46	61	115
Unspecified	17		
Total	279	274	329

89. Points to the findings in the ACPC annual report that of the 279 dossiers dealt with in 2001 a total of 37 (13,35 %) were not accepted in the form in which they were presented;

90. Recognises that the quarterly and annual reports of the ACPC constitute a valuable management tool giving a complete overview of the Institution's contract and procurement activity; asks its Secretary-General, following the abolition of the ACPC as a consequence of the entry into force of the new Financial Regulation on 1 January 2003, to take steps to ensure that its Committee on Budgetary Control continues to receive on a regular basis full information on Parliament's procurement and contract activities; notes in this connection the Secretary-General's decision ([1]) to create a new inter-service public procurement advisory group (GIMP) which is intended to draw on the experience and expertise accumulated over the years by the ACPC, but without undermining the autonomy or the responsibility of the authorising officers under the new rules;

91. Notes that the ACPC has been replaced by the Inter-Service Public Procurement Group which will advise on procurement issues; requests however, an assurance that the responsibility of the Directors-General will remain intact and that procurement decisions will lie with them;

Information policy

92. Takes note of the Commission communication on an information and communications strategy for the European Union (COM(2002) 350 final); also notes the Secretary-General's 'Draft programme of information and communications measures with a view to the European elections in June 2004' ([2]);

93. Reiterates its request that the Parliament should hold an annual debate on EU information policy before the budget guidelines for the following financial year are established;

94. Recalls that the following principles should be taken into account in public information communications: impartiality and absence of propaganda, provision of factual information and concern to provide a varied and balanced range of information;

95. Stresses that the information disseminated by the EU should highlight common European values, such as democracy, pluralism, security, solidarity, equality of opportunities, cohesion, etc and simultaneously show the population the practical advantages of membership of the Union in their daily lives, in order to counter the image of the Union as an arena for on-going confrontation between diverging national interests;

96. Reaffirms its agreement with the right of citizens to have access to a continuous, complete, impartial and objective flow of basic information on the EU in their own language; considers that the dissemination of this information in all the official languages recognised in the Member States

([1]) PE 324.930/BUR.
([2]) PE 320.937/BUR – 10 September 2002.

and in the lesser-used languages should be ensured by the appropriate authorities in a comprehensible manner and stress the importance of devising, as a matter of priority, specific information campaigns, particularly in the candidate countries;

97. Welcomes the cooperation between the Commission, the Council and Parliament within the Interinstitutional Working Group on Information and Communication and calls for this cooperation to be stepped up;

98. Welcomes the installation of a permanent exhibition within the visitors' area in Brussels and Strasbourg on the history of the European Parliament;

99. Points out once again that the resources allocated to information and communication are paltry (EUR 25,8 million, or 2,58 % of the total EP budget in 2001) of which a substantial proportion (EUR 11,2 million = 43 %) is allocated to the visitors' programme and Euroscola;

100. Recognises that major efforts have been made to modernise the visitors' programme, particularly by improving the tools available to the service (IT/audiovisual support, Visitors' service website) and using human resources more effectively (multilingualism, Gevisite IT system); is pleased that this has enabled work to be planned more efficiently and allowed the organisation of a series of talks for nationals of the applicant countries; notes that a firm of consultants has been charged with carrying out a study into the quality and impact of the visitors programme and that the study will be available by the end of June 2003; calls on the Secretary-General to provide the Committee on Budgetary Control with a copy of this study ([1]);

Members' assistants

101. Reiterates that it is absolutely vital that the rights of assistants working for Members should be safeguarded, including appropriate insurance and social security; considers that the best way of doing this is through the adoption of the Statute for assistants; in this context urges the Council to consider rapidly the amended proposals amending Council Regulation (EEC) No 1408/71 ([2]) submitted by the Commission on 16 July 2002 so that the new system can enter into force before the 2004 elections; urges the Bureau of the EP to take a decision before 30 June 2003 on the 12 proposals ([3]) submitted to it on 7 October 2002 ([4]) by the Vice-President responsible for the Statute for assistants;

102. Points out that a Statute of this kind does not apply to service providers who, by virtue of their legal status, must fulfil their social security and taxation obligations themselves; recommends that, in order to ensure the greatest possible transparency, the Bureau should require Members who employ service providers to forward a copy of the invoices issued by the service providers/Members to the Administration, in the same way as contracts between Members and parliamentary assistants now have to be submitted to the Administration; ([5]) notes the view of the Financial Controller ([6]) that, as with service providers in any other sphere of Parliament's activity, payment should be based on the submission of a valid invoice for services rendered;

Members' allowances

103. Insists that the basic principles of clarity, transparency, regularity and answerability should apply to all payments made out of the Institution's budget, including payments relating to Members;

104. Draws attention once again to the recommendations made by the Court of Auditors that allowances for travel and subsistence should reflect actual travel costs and the real duration of the mission;

([1]) Questionnaire and replies PE 315.838 (Q56).
([2]) OJ C 331 E, 31.12.2002, p. 23.
([3]) PE 321.006/BUR.
([4]) Questionnaire and replies PE 315.838 (Q61).
([5]) Questionnaire and replies PE 315.838 (Q62).
([6]) Annual report No 03/01, paragraph 4.2.

105. Notes with satisfaction the creation by the Bureau of a working group on Members' allowances and expenses in the context of negotiations on the Members' Statute; and calls on the working group to implement the Court of Auditors' recommendations;

106. Notes with concern the increasing number of Members registering their attendance during 'yellow' weeks, amounting to a cost of EUR 372 675, and underlines the point that yellow weeks were originally instituted as an important time for Members to connect with the constituencies which they represent;

107. Expresses concern at the extension of the opening hours of the central signature register from 7 am to 10 pm; asks the Secretary-General to submit proposals for minimum supervision of the register;

108. Notes that Members' voluntary pension contributions are currently being taken automatically from the general expenditure allowance; asks its Secretary-General to report by 1 July 2003 on the feasibility of requiring Members to set up a standing order to pay these contributions;

109. Emphasises, in the context of Members' duties, their right to carry out their tasks in all the official languages of the Member States and urges that the resources be found to make available all the documentation in all the languages simultaneously, in order to prevent discrimination and in order not to diminish or reduce their rights and obligations to exercise fully their representative functions;

The case relating to the Members' cash office

110. Notes that the procedure provided for in Article 22 of the Staff Regulations has been initiated with a view to defining responsibilities in connection with the discrepancy of BEF 4 136 125 between the cash situation and the corresponding accounts in 1982;

Environment

111. Recognises that the new buildings currently under construction for the European Parliament offer a unique opportunity to set an example through the implementation of best environmental practice; welcomes the fact that the D4-D5/Ardenne buildings will be designed and constructed in compliance with environmental regulations; supports the decision to install a system for the recovery, storage and reuse of rain water in the D4 Building; supports the decision to reduce energy consumption in the buildings through the use of the following techniques: advanced thermal insulation, air-conditioning systems which facilitate heat recovery or free cooling, solar panels for water heating purposes and the possibility of a unit for the cogeneration of heat and electricity ([1]);

112. Welcomes the information ([2]) provided by the Secretary-General that following the publication of a call for tenders Parliament's Administration will shortly sign a contract with a consultancy specialising in environmental management in order to commission a comprehensive review of its internal environmental policy, whose conclusions are expected to be available during 2003; insists that the review's conclusions should be forwarded to Parliament's competent committees; repeats the point made in paragraph 75 of its abovementioned decision of 10 April 2002 underlining the necessity of implementing green housekeeping principles for Parliament's new buildings ([3]);

113. Notes that the Administration is currently studying the practical and administrative aspects ([4]) of a plan drawn up in 2002 following a study by Iris Consulting on a better mobility (transport) plan in Brussels; agrees that persons using Parliament's buildings in Brussels should be encouraged to use

([1]) Questionnaire and replies PE 315.838 (Q43, Q72 and Annex 6).
([2]) Questionnaire and replies PE 315.838 (Q72).
([3]) OJ L 158, 17.6.2002, p. 43.
([4]) Questionnaire and replies PE 315.838 (Q73).

public transport as far as possible; recognises, however, that to make significant progress in this area it will be necessary to make the rue Belliard area more pedestrian-friendly; instructs its Secretary-General to pursue his contacts with the relevant Belgian authorities with the aim of making the area around Parliament's buildings safer and more attractive for foot and cycle traffic;

114. Calls for more internal information to be made available about sustainable mobility within and around the EP buildings (posters, monitors showing train services at the Luxembourg station, information on collective/public transport) and invites the Bureau to set up a professional, visible, continuous and interactive mobility management desk centre, preferably as part of already existing services, where everyone can find out about sustainable mobility;

115. Points out that the EU is playing a leading role on climate policy at international level; considers that the European institutions should also make their own contribution to meeting EU commitments under the Kyoto Protocol; congratulates the Secretary-General on the environmental measures already taken in relation to buildings policy and day-to-day management ([1]) and calls for these measures to be grouped together and incorporated into an EP climate policy plan by 31 July 2003 with clear targets that make a specific contribution to achieving the Kyoto standards;

Transparency

116. Notes with satisfaction that for 2001 all 626 Members submitted declarations of their financial interests in accordance with Annex I, Article 2 of the Rules of Procedure; notes that as at 30 January 2003 a total of 444 Members had updated their declarations for 2002 ([2]); encourages its Members to authorise the publication of their declarations on the Internet;

117. Applauds the Bureau's decision at its meeting of 13 January 2003 that the register of lobbyists and interests they represent within the meaning of Article 3(1)(b) of Annex IX of the Rules of Procedure should be publicly accessible via Parliament's website;

118. Recalls that under the terms of Article 14(9) of the Rules governing the payment of expenses and allowances to Members ([3]) 'The European Parliament shall draw up a list of the names of all assistants which shall be open to the public for inspection'; notes the opinion of the Committee on Legal Affairs and the Internal Market ([4]) that in accordance with Article 9 of Regulation (EC) No 45/2001 ([5]) such personal information may only be disclosed if the data subject has given his consent; shares the concern ([6]) of the European Ombudsman that Parliament's decision to publish a register of MEP's assistants 'has been thrown into question by the argument that data protection gives assistants the right to remain anonymous even whilst being paid from European taxpayer's money;'

119. Applauds therefore the Bureau's decision of 10 February 2003 to publish the list of accredited assistants (subject to exceptions on reasoned grounds), including the Member to whom the assistant is contracted, on Parliament's website;

120. Notes with concern that the European Ombudsman has also criticised ([7]) the European Parliament for its rejection based on Regulation (EC) No 45/2001 of his proposal that it should inform candidates in recruitment competitions that the names of successful candidates will be made public;

([1]) See Questionnaire, Annex 6.
([2]) Source EP-DG I.
([3]) PE 113.116/rev XIII / 08-2002 (see also Annex VI, paragraph 7 to those Rules).
([4]) PE 316.190.
([5]) OJ L 8, 12.1.2001, p. 1.
([6]) Letter 30.9.2002 (PE 321.047/BUR).
([7]) Letter 30.9.2002 (PE 321.047/BUR).

121. Notes as a further instance of the unresolved tension between openness (Regulation (EC) No 1049/2001) ([1]) and data protection (Regulation (EC) No 45/2001) the Legal Service's opinion ([2]) that documents (specifically: withholdings of approval by the Financial Controller) relating to acts carried out by authorising officers in their official capacity may not be disseminated without first deleting their names;

122. Is aware of a comparable lack of clarity in the arrangements governing the flow of potentially sensitive information between OLAF and the Committee on Budgetary Control, the provisions of Annex VII to the Rules of Procedure appearing rather inadequate as a framework for regulating such information;

123. Instructs its President, relying on the advice of the Secretary-General and the Legal Service, to consider what action may be necessary including, possibly, amendments to the Rules of Procedure to arrive at a proper balance between the requirements of openness, transparency and access to documents on the one hand and the legitimate protection of private data on the other hand, and to submit suitable proposals to the competent bodies;

([1]) OJ L 145, 31.5.2001, p. 43.
([2]) SJ 289/02.

ANNEX

Withholding of Approval No	Date	Authorising Officer	Budgetary Item	Concerning	Creditor/Amount	Description	Decision
01/01	31.1.2001		2723	Proposal to conclude 7 private employment contracts under French law; Eds 21197 — 21200 inc., totalling EUR 265 371	The seven persons concerned plus employers' contributions (total EUR 265 371)	Breaches of Articles 2 and 38 of the Financial Regulation	Commitment proposals withdrawn
01/02	27.2.2001		Title 1	Proposal to transfer Mr P, grade LA-3, from Luxembourg to Strasbourg	Mr P, (an official)	Breaches of Financial Regulation, Staff Regulations and implementing rules therefor	Proposal withdrawn by authorising officer
01/03	26.3.2001		Title 1	Substantive and procedural irregularities in the proposed recruitment of an official to an A7 post	Mme Z.	Breaches of Financial Regulation (Articles 2 and 38) and Staff Regulations	Overruling decision of 11 June 2001
01/04	11.6.2001		Title 1	Inadequate supporting documentation, in breach of Articles 45 and 47 of the Financial Regulation; non-compliance with Article 4 of Annex V of the Staff Regulations; breach of the Institution's rules in relation to the carry-forward of, and payment for, annual leave not taken; breach of the obligations on authorising officers under Articles 40 and 41 of the Financial Regulation	A former employee of a political group	Breaches of Articles 38, 40, 41, 45 and 47 of the Financial Regulation; of Article 4 and Annex V of the Staff Regulations	Overruling decision of 25 October 2001
01/05	9.7.2001		2210	The signing of a framework contract with a supplier and publication of the contract award in the Official Journal, in contravention of the Financial Regulation, the Implementing rules therefor and of the Internal Rules for the Implementation of the European Parliament's budget. Estimated value of framework contract over three years: EUR 195 000	C-S.A. (a supplier of waste paper bins) (EUR 195 000)	Breaches of Articles 36 and 38 of the Financial Regulation; of Article 51 of the Financial Regulation Implementing Rules and of Article 23 of the Internal Rules	Overruling decision of 25 October 2001
01/06	11.10.2001		1870	Overrun of the available appropriations, absence of a prior commitment and breach of the Treaty principle of budgetary annuality relating to expenditure on interpretation services in respect of the 2000 financial year.	European Commission EUR 359 815,03	Breaches of Articles 2, 5, 6 and 36 of the Financial Regulation; Article 51 of the Implementing Rules; Articles 271 and 272 of the EU Consolidated Treaties	Overruling decision of 13 December 2001

Source: EP 'compte de gestion' SEC(2002) 405 — FR.