



Brussels, 9.7.2019
C(2019) 4931 final

COMMISSION DECISION

of 9.7.2019

on a request from the European Foundation for the improvement of living and working conditions for its financial rules to depart from certain provisions of Delegated Regulation (EU) 2019/715

(Only English language is authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) No 1046/2018 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the European Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 70(3) thereof,

Whereas:

- (1) The European Foundation for the improvement of living and working conditions (Eurofound) established by Regulation (EU) 2019/127 of the European Parliament and of the Council² is a body referred to in Article 70(1) of Regulation (EU, Euratom) 1046/2018.
- (2) On 26 March 2019, Eurofound asked the Commission for consent for its financial rules to depart from Articles 21(3), 26(1)(a), 26(2), 42(2) and 102(4) of Commission Delegated Regulation (EU) 2019/715³.
- (3) The request to depart from Article 21(3) of Delegated Regulation (EU) No 2019/715 concerns the assigned revenue stemming from financial contributions from Member States, third countries and international organisations pursuant to points (a) and (b) of Article 20(2) of Delegated Regulation (EU) No 2019/715. In some cases the financial rules of those contributors prevent them from pre-financing activities. Eurofound should be authorised to make available the total amount of corresponding commitment appropriations upon entry into effect of the agreement concerned, provided that the possibility to make use of annual instalments is provided for. It is therefore appropriate

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p.1)

² Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75 (OJ L 30, 31.1.2019, p. 74).

³ Commission Delegated Regulation (EU) 2019/715 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).

to grant consent for Eurofound's financial rules to depart from Article 21(3) of Delegated Regulation (EU) 2019/715 in the manner requested..

- (4) The departure from Article 26(2) of Delegated Regulation (EU) 2019/715 requested by Eurofound is intended to allow the director, in cases of urgency, to reduce the time limit for the management board, or executive board, to oppose transfers between titles to a period of five working days. A reduction of that kind would be consistent with Eurofound's Rules for Written Procedures of the Governing Board (now the Management Board) and the Bureau (now the Executive Board), which provide for a time limit of five working days. It is therefore appropriate to grant consent for Eurofound's financial rules to depart from Article 26(2) of Delegated Regulation (EU) 2019/715 in the manner requested. With regard to Eurofound's request for its financial rules to depart from Article 26(1)(a) of that Delegated Regulation, the change proposed by Eurofound does not amount to a departure from that provision, so no consent is needed for the change.
- (5) The request to depart from Article 42(2) of Delegated Regulation (EU) 2019/715 concerns conflicts of interest. The purpose of the requirement under that Article to publish declarations of interests of the members of the management board is to avoid conflict of interest in the context of the implementation of the budget of the Agency. This requirement is wider in scope and complementary to the publication of a declaration of absence of conflict of interest pursuant to Article 4(4) of Regulation (EU) 2019/127 in the context of the appointment and composition of the management board. Eurofound's request for its financial rules to depart from 42(2) of that Delegated Regulation should therefore be rejected.
- (6) The request to depart from Article 102(4) of Delegated Regulation (EU) 2019/715 concerns the sending of the final accounts by Eurofound's accounting officer instead of the director. The request is based on Article 16(6) of Regulation (EU) 2019/127. No consent is needed for this departure as that Article prevails over Article 102(4) of Delegated Regulation (EU) 2019/715,

HAS ADOPTED THIS DECISION:

Article 1

Consent is hereby granted for the financial rules of the European Foundation for the improvement of living and working conditions to depart from Articles 21(3) and 26(2) of Delegated Regulation (EU) 2019/715 in the manner set out in the Annex to this Decision.

Article 2

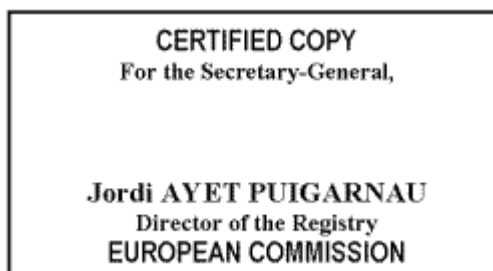
The request from the European Foundation for the improvement of living and working conditions for its financial rules to depart from Article 42(2) of Delegated Regulation (EU) 2019/715 is hereby rejected.

Article 3

This Decision is addressed to the European Foundation for the improvement of living and working conditions.

Done at Brussels, 9.7.2019

For the Commission
Günther H. OETTINGER
Member of the Commission



Annex – Eurofound - Request for departure from the Framework Financial Regulation (FFR) / request for a prolongation of derogation already granted

Current FFR	Existing derogation in the Agency's current Financial Regulation Financial Regulation	Requested derogation	Derogation subject to the Commission Decision
<p>Article 21(3) By way of exception from paragraph 2, where assigned revenue stems from the implementation of a contribution agreement concluded pursuant to Article 7, the total amount of commitment appropriations may be made available upon entry into effect of the agreement concerned provided that the basic act with regard to the funds being delegated to the Union body provides for the possibility to make use of annual instalments.</p>		<p>Article 21(3) By way of exception from paragraph 2, where assigned revenue stems from the implementation of a contribution agreement concluded pursuant to Article 7 or from financial contributions pursuant to points (a) and (b) of Article 20(2), the total amount of commitment appropriations may be made available upon entry into effect of the agreement concerned provided that the basic act with regard to the funds being delegated to the Union body provides for the possibility to make use of annual instalments.</p>	<p>Accepted as requested</p>

<p>Article 26(2): Beyond the limit referred in paragraph 1, the director may propose transfers of appropriations from one title to another to the management board or, where the constituent act allows it, to the executive board. The management board or, where the constituent act allows it, the executive board shall have two weeks to oppose the proposed transfers. After that time limit, the proposed transfers shall be deemed to be adopted.'</p>	<p>Article 27(2): Beyond the limit referred in paragraph 1, the director may propose to governing board or, if the constituent act allows it, to the bureau transfers of appropriations from one title to another. The governing board or, if the constituent act allows it, the bureau shall have three weeks to oppose such transfers. After that time-limit they shall be deemed to be adopted. In cases of urgency, the director may shorten the time-limit to at least five working days.</p>		<p>Accepted with the following drafting modification in the interest of clarity:</p> <p>Article 27(2): Beyond the limit referred in paragraph 1, the director may propose to governing board or, if the constituent act allows it, to the bureau transfers of appropriations from one title to another. The governing board or, if the constituent act allows it, the bureau shall have three weeks to oppose such transfers. After that time-limit they shall be deemed to be adopted. In cases of urgency, the director may shorten the time-limit to at least five working days.</p>
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