



3 October 2019
EMA/MB/414778/2019
Management Board meeting of 3 October 2019

Charter of tasks and responsibilities of the accounting officer

applicable from 4 October 2019

1. Preamble

- 1.1 This 'Charter of the tasks and responsibilities of the accounting officer' (hereinafter the 'Charter') was drawn up in accordance with the provisions of the Staff Regulations and the Financial Regulation applicable to the budget of the European Medicines Agency (hereinafter, 'Agency's Financial Regulation'). It identifies the tasks entrusted to the Agency's accounting officer (hereinafter 'the accounting officer'), his/her rights, duties and the responsibilities s(he) assumes in this role.
- 1.2 The Charter is part of a drive towards transparency and accountability. It is neither an exhaustive nor a restrictive description of the duties of the accounting officer; these are laid down in the Agency's Financial Regulation.
- 1.3 This Charter spells out the relationship between the Agency and the accounting officer, and the relationship of the accounting officer with the authorising officers.
- 1.4 The Charter is part of a coherent set of documents spelling out the relationship between the European Medicines Agency and its financial actors and is annexed to the Internal Rules on the implementation of the budget of the European Medicines Agency.

2. Appointment of the accounting officer

- 2.1 The accounting officer shall be a temporary agent appointed by the Management Board and shall be subject to the Staff Regulations.
- 2.2 The accounting officer shall be chosen on the grounds of his/her particular competence as evidenced by diplomas or by appropriate professional experience.
- 2.3 The accounting officer shall perform his/her duties in accordance with the provisions of the Agency's Financial Regulation and shall perform his/her tasks with honesty and probity and with due regard for the protection of the financial interests of the Agency.



- 2.4 The Agency shall make available to the accounting officer the staff and equipment necessary for the proper performance of his/her tasks.
- 2.5 The tasks performed by the accounting officer shall be incompatible with those of authorising officer, imprest administrator and internal auditor.
- 2.6 The accounting officer may, in the performance of his/her duties, delegate certain tasks to subordinate staff subject to the Staff Regulations.

Unless specifically amended or revoked by the newly appointed accounting officer, the delegation of powers granted by his/her predecessor shall remain valid.

3. Termination of duties of the accounting officer

- 3.1 In the event of the termination of the accounting officer's duties, unless this falls at the end of a financial year, a trial balance shall be drawn up without delay.
- 3.2 The trial balance shall cover the accounts provided for in Title IX of the Agency's Financial Regulation. It shall be prepared as at the date of the last working day of the outgoing accounting officer.
- 3.3 The trial balance, accompanied by a handing-over report shall be transmitted to the new accounting officer by the outgoing accounting officer or, if this is not possible, by the staff member temporarily replacing him/her.
- 3.4 The new accounting officer shall, within no more than a month following transmission, sign the in acceptance and may make reservations.
- 3.5 The Agency shall inform the European Parliament, the Council and the accounting officer of the Commission within two weeks of the appointment or termination of duties of its accounting officer.

4. Mission of the accounting officer

The accounting officer is the staff member responsible in the Agency, in accordance with Article 49 of the Agency's Financial Regulation, for:

- properly implementing payments, collecting revenue and recovering amounts established as being receivable;
- preparing and presenting the accounts in accordance with Title IX of the Agency's Financial Regulation;
- keeping the accounts in accordance with Title IX of the Agency's Financial Regulation;
- implementing, in accordance with Title IX of the Financial Regulation, the accounting rules and the chart of accounts in accordance with the provisions adopted by the Commission's accounting officer;
- laying down and validating the accounting systems and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information; the accounting officer shall also be empowered to verify at any time compliance with the validation criteria,
- treasury management and

- setting up and endowing imprest accounts, in accordance with Article 52 of the Agency's Financial Regulation.

4.1 Proper implementation of payments

4.1.1 Payments shall be made by the accounting officer, on the basis of payment orders issued by the authorising officer responsible in accordance with Article 73(5) of the Agency's Financial Regulation, within the limits of the funds available.

4.1.2 The accounting officer shall make payments promptly, having due regard to the time limits laid down by Article 77 of the Agency's Financial Regulation.

4.1.3 Payments shall be made by bank credit transfer, by cheque or, from imprest accounts, or if specifically authorised by the accounting officer, by debit card, direct debit or other means of payment, in accordance with the rules laid down by the accounting officer.

Before entering into a commitment towards a third party, the authorising officer shall confirm the payee's identity, establish the legal entity and payment details of the payee and enter them in the common file by the Agency for which the accounting officer is responsible in order to ensure transparency, accountability and proper payment implementation.

Where periodic payments are made with regard to services rendered, including rental services, or goods delivered, and subject to the authorising officer's risk analysis, the authorising officer may order the application of a direct debit system. Article 4.1.1 shall apply also to payments made by direct debit.

4.1.4 The terms governing the opening, operation and use of accounts shall stipulate, depending on the internal control requirements, that cheques, bank credit transfer orders or any other banking operation must be signed by one or more duly authorised members of staff. Manual instructions shall be signed by at least two duly authorised members of the staff or by the accounting officer. To this end the accounting officer shall communicate to the financial institutions with which it has opened accounts the names and specimen signatures of the authorised members of staff.

4.2 Collection of revenue and recovery of established entitlements

4.2.1 The accounting officer shall act on recovery orders issued in accordance with Article 65 of the Agency's Financial Regulation. S(he) shall exercise due diligence in the collection of revenue corresponding to entitlements, including interest for late payments as stipulated in the debit note established by the authorising officer.

4.2.2 Where an entitlement has not been recovered by the date set for payment, the accounting officer shall without delay launch the procedure for effecting recovery by any means offered by the law, including, where appropriate, by calling in any guarantee requested and retained by the authorising officer. Where an advance guarantee exists, the accounting officer shall recover the Agency entitlement by calling in the guarantee after informing the authorising officer responsible and the debtor.

4.2.3 The accounting officer shall recover Agency entitlements by offsetting them against equivalent claims that the Agency have on any debtor where the debtor himself also has a claim on the Agency that is certain, of a fixed amount and due and has been established by a payment order, in accordance with Article 67 of the Agency's Financial Regulation.

Without prejudice to the paragraph above, where the recovery method referred to in paragraph 4.2.2 cannot be used and the debtor has failed to pay in response to a letter of formal notice sent by the accounting officer, the accounting officer shall effect recovery by enforcement of a decision secured either in accordance with Article 68 of the Agency's Financial Regulation.

., 4.2.4 The accounting officer may, in consultation with the authorising officer by delegation and on a written request by the debtor stating the reasons for the request, allow additional time for payment, and provided that:

- the debtor undertakes to pay the default interest stipulated from the initial date on which the debt became due and for the whole of the additional time allowed for payment;
- the debtor lodges a financial guarantee, covering the debt outstanding in both the principal sum and the interest.

The guarantee referred to in the second indent of the previous paragraph may be replaced by a joint and several guarantee by a third party approved by the accounting officer of the Agency.

In exceptional circumstances, following a request by the debtor, the accounting officer may waive the requirement of a guarantee referred to in the second indent of the first paragraph above when, on the basis of his/her assessment, the debtor is willing and able to make the payment in the additional time period but is not able to lodge such guarantee and is in a situation of financial distress.

The accounting officer shall keep the original documents of the guarantees s(he) accepts and, where appropriate, call them in in accordance with 4.2.2.

4.2.5 At any stage in the procedure for collecting fines, periodic penalties and other penalties the accounting officer shall, where necessary, take appropriate measures to safeguard the Agency's financial interest. For this purpose s(he) may ask for the support of the Agency's Legal Department.

4.2.6 The accounting officer shall adopt the necessary provisions concerning the minimum content of the files submitted to him/her by authorising officers during the recovery of entitlements by judicial action – particularly as regards the type and character of the information required.

4.2.7 On a quarterly basis, the accounting officer shall send the authorising officer a list of established amounts receivable which have not been recovered, together with information on which to base decisions as to whether waive an established amounts receivable, or effect recovery by any means offered by the law.

4.3 Preparation and presentation of the accounts

4.3.1 Structure of the accounts

The accounting officer shall be responsible for preparing the Agency's accounts.

The accounts of the Agency shall comprise the financial statements and the budgetary implementation reports.

The accounting officer shall obtain from the authorising officer all the information necessary for the production of accounts which give a true and fair view of the Agency's financial situation and of budgetary implementation. The authorising officer shall guarantee the reliability of that information.

4.3.2 Provisional accounts

In accordance with the procedure set out in Article 101 of the Agency's Financial Regulation, the accounting officer shall send the provisional accounts to the accounting officer of the Commission and to the Court of Auditors, by 1 March of the following year.

4.3.3 Final accounts of the Agency

In accordance with Article 102 of the Agency's Financial Regulation, the Court of Auditors shall, by 1 June, make its observations on the provisional accounts of the Agency.

The accounting officer of the Agency shall provide by 15 June, the required accounting information to the accounting officer of the Commission, in the manner and format laid down by the Commission, with a view to drawing up the final consolidated accounts.

The accounting officer shall prepare the Agency's final accounts in time for the Executive Director to send them to the accounting officer of the Commission, the Court of Auditors, the European Parliament and the Council by 1 July of the following year in accordance with Article 102(4) of the Agency's Financial Regulation. For that purpose, s(he) shall take into account the observations of the Court of Auditors on the provisional accounts.

Before the Executive Director sends the final accounts, together with the opinion by the management board, the accounting officer shall sign them off, thereby certifying that the accounting officer has reasonable assurance that the accounts present a true and fair view of the financial situation of the Agency.

For that purpose, the accounting officer shall verify that the accounts have been prepared in accordance with the accounting rules, referred to in Article 51 of the Agency's Financial Regulation, and that all revenue and expenditure is entered in the accounts.

The authorising officer shall forward any information that the accounting officer needs in order to fulfil his/her duties.

The authorising officers shall remain fully responsible for the proper use of the funds they manage, the legality and regularity of the expenditure under their control and the completeness and accuracy of the information forwarded to the accounting officer.

The accounting officer shall be empowered to check the information received as well as to carry out any further checks s(he) deems necessary in order to prepare the accounts.

S(he) shall make reservations, if necessary, explaining exactly the nature and scope of such reservations.

The accounting officer of the Agency shall also send to the Court of Auditors, with a copy to the accounting officer of the Commission, at the same date as the transmission of the final accounts, a representation letter covering those final accounts.

4.4 Keeping the accounts

4.4.1 The accounting officer shall draw up and keep updated documents describing the organisation of the Agency's accounts and its accounting procedures.

4.4.2 The accounting officer must ensure that the Agency's accounting system enables the trial balance to be established, covering all the accounts of the general accounts, including accounts closed in the course of the financial year with, in each case, the account number, the account name, the starting balance, total debits, total credits, and the final balance.

4.4.3 The accounting officer shall reconcile the cash at bank with the account statements at least on a monthly basis and in any event whenever the accounts are closed.

The accounting officer shall ensure the regular monitoring of the open items on suspense accounts. To this end, s(he) shall send appropriate reminders to the authorising officers, who are responsible for the regularisation of these non-budget operations by booking to the budget.

4.4.4 The accounting officer shall keep the documents relating to the accounts and accounting for five years from the date the European Parliament grants discharge for the budgetary year to which the documents relate.

S(he) shall keep documents relating to operations not definitively closed for a longer period, until the end of the year following that in which the operations are closed.

4.5 Accounting rules and methods and the chart of accounts

4.5.1 The accounting rules and the harmonised chart of accounts shall be implemented in accordance with the provisions adopted by the Commission's accounting officer.

4.5.2 The Agency shall keep inventories showing the quantity and value of all tangible, intangible and financial assets constituting Agency property in accordance with the model drawn up by the accounting officer of the Commission.

4.5.3 Where the accounts are kept with the assistance of computer software, the accounting officer shall determine the functional specifications for the development of the software and ensure that it complies with the accounting rules and methods before it is made operational.

4.5.4 The accounting officer shall provide the Executive Director with information on the transactions s(he) has entered and validated in the central accounting system for the purpose of drawing up his/her annual report.

4.6 Laying down and validating accounting systems

4.6.1 The accounting officer shall be responsible for laying down and validating the Agency's accounting systems.

S(he) shall validate local financial management systems laid down by the authorising officer when they supply data for the accounts or are called on to substantiate such data. S(he) must give his/her agreement to their introduction and to any modification.

The responsibility of the accounting officer in internal control is to ensure the integrity of the accounting system. Each authorising officer shall be responsible for the data entered in the system and for ensuring the reliability and accuracy of the information entered. The accounting officer shall be responsible for the subsequent processing and output of the information entered in the accounting system, including through local information systems which s(he) has validated.

4.6.2 The accounting officer shall periodically, and at least at the annual closure, reconcile the balance of the accounts in the trial balance with the data from the management systems used by authorising officers for the management of assets and liabilities and for the daily input into the central accounting system.

The accounting officer shall also be consulted by authorising officers on the introduction and modification of the systems for the inventory and for the valuation of assets and liabilities.

4.6.3 The accounting officer shall lay down the rules for authorising officers to supply him/her with the financial and management information required for the performance of his/her duties.

4.7 Treasury management

- 4.7.1 The accounting officer is alone empowered to manage cash and cash equivalents. S(he) shall be responsible for their safekeeping.

The accounting officer shall ensure that the Agency has at its disposal sufficient funds to cover cash requirements arising from the budget implementation. For this purpose s(he) shall set up cash management systems enabling him/her to draw up cash flow forecasts.

- 4.7.2 In order to carry out the financial operations which arise from the implementation of the budget, the accounting officer shall have the necessary accounts in the name of the Agency opened with financial institutions, after negotiating the conditions governing their operation in accordance with the principles of sound financial management, efficiency and competitive tendering. In duly substantiated circumstances, s(he) may open accounts in currencies other than the euro.

The accounting officer shall ensure compliance with the operating terms of the Agency's accounts with the financial institutions, as defined in the agreements concluded with these institutions.

- 4.7.3 The accounting officer shall authorise transfers between accounts opened in the name of the Agency. S(he) must ensure at all times that none of these accounts is in debit. Where the accounts are in currencies other than euro, s(he) shall periodically convert the balance into euro.

The accounting officer may not maintain balances in foreign currency accounts which might cause excessive losses to the Agency as a result of exchange rate fluctuations.

- 4.7.4 The accounting officer shall reconcile the bank accounts with the bookkeeping on a monthly basis at least. S(he) must investigate and, if necessary, regularise any differences which may occur.

4.8 Imprest accounts

- 4.8.1 On a duly substantiated proposal from the authorising officer responsible, the accounting officer shall take decisions creating imprest accounts, appointing the imprest administrator and making any changes to the operating terms. Unless specifically amended or revoked by the newly appointed accounting officer, the decisions of his/her predecessor regarding imprests shall remain valid.

- 4.8.2 The accounting officer shall be empowered to endow imprest accounts, which nevertheless remain the responsibility of the imprest administrator appointed. The accounting officer shall make the payment endowing imprest accounts and shall monitor the financial aspects from the point of view of opening bank accounts, delegation of signatures and controls on the spot and in the centralised accounts.

- 4.8.3 The accounting officer shall him/herself, or through staff from his/her own service or in the authorising department, carry out checks, as a rule on the spot and without warning, to verify the existence of the funds allocated to the imprest administrators and the bookkeeping and to check that imprest transactions are settled within the time limit set. S(he) shall communicate the findings of these checks to the authorising officer responsible.

5. Liability of the accounting officer

5.1 Liability arising from the Staff Regulations

The liability of the accounting officer shall be governed by the provisions of the Staff Regulations (in particular Articles 11, 11a, 12, 12a, 21, 21a, 22, 22a and 86 and Annex IX). In accordance with the second paragraph of Article 21 of the Staff Regulations, the responsibility of his/her subordinates shall in no way release him/her from his/her own responsibility. It shall be measured against the risks inherent in their work and the resources assigned to them by the accounting officer and compliance with the management and internal control systems and procedures laid down by the Executive Director.

In accordance with Article 22 of the Staff Regulations, an accounting officer may be required to make good, in whole or in part, any damage suffered by the European Union and the Agency as a result of serious misconduct on his/her part. The obligation to pay compensation shall apply in particular in the cases referred to in Article 58 of the Agency's Financial Regulation.

Those are:

- losing or damaging funds, assets or documents in his/her;
- wrongly altering bank accounts or postal giro accounts;
- recovering or paying amounts which are not in conformity with the corresponding recovery or payment orders;
- failing to collect revenue due.

The accounting officer may be held liable in the event of serious negligence, in particular where the wrongdoing was made possible by failure to comply with the internal control and management procedures and systems laid down by the Executive Director.

In cases that do not involve intentional wrongdoing such as fraud, corruption, misappropriation of funds or theft, the Agency shall base its decision to initiate the procedure for finding the accounting officer liable for disciplinary action and payment of compensation on the opinion of the panel referred to in Article 57 of the Financial Regulation.

5.2 Delegation of certain tasks to subordinate staff does not affect the liability of the accounting officer, who must exercise supervision to ensure the effectiveness and efficiency of the activities delegated and who remain answerable for the powers (s)he has delegated.

5.2 In carrying out their duties, the accounting officer shall benefit from the Agency's duty of care towards its employees.

6. Fraud, corruption, conflict of interest

6.1 Principles

The provisions of this Charter are without prejudice, in cases of fraud or corruption, to the liability under criminal law of the accounting officer as laid down in the national law applicable and in the provisions in force concerning the protection of the financial interests of the Agency and the fight against corruption involving staff of the Agency.

6.2 Conflicts of interest

Any measures of budget implementation which may give rise to a conflict of interest between the accounting officer, or staff for whom (s)he is responsible, and a third party supplying revenue for the budget or receiving expenditure shall be prohibited. If a case of this kind arises, the accounting officer shall refrain from acting and shall refer the matter to the Executive Director.

In accordance with Article 11a of the Staff Regulations, the accounting officer shall not, in the performance of his/her duties, deal with a matter in which, directly or indirectly, (s)he has any personal interest such as to impair his/her independence, and, in particular, family and financial interests.

7. Disqualification

In the event of failure to comply with the rules contained in this Charter, the accounting officer may at any time be temporarily or definitively suspended from his/her duties as accounting officer by the Management Board, without prejudice to any disciplinary action.

8. Repeal and entry into force

This charter replaces and repeals the previous charter of tasks and responsibilities of the Agency's accounting officer.

This charter shall enter into force on 4 October 2019.

Amsterdam, 3 October 2019

[Signature on file]

Christa Wirthumer-Hoche
Chair of the Management Board