



EUROPEAN  
ORGANIZATION  
OF REGIONAL  
AUDIT INSTITUTIONS

Chambre régionale  
des comptes  
Languedoc-Roussillon



# International Seminar

## The audit of local government annual accounts

**PRESENTATION OF ACCOUNTS**

# Basis



The regional audit chamber carries out a judicial examination of the accounts of public accountants responsible for the authorities and bodies within their field of competence as well as the accounts of those persons the audit chamber considers “de facto accountants”

(Article L211-1 of the Code governing financial judicial authorities)

## ***A. The rules for the production of accounts***



- Public accountants are responsible for producing their accounts without the need to call for
- The Public Prosecutor for Financial Matters is responsible for ensuring the production of accounts, in particular by identifying those bodies and public accountants who have this obligation and by taking action in the event of difficulty in producing the accounts
- The accounts should be produced within the regulatory deadlines which vary according to the public accounts and within the conditions for presentation of the accounts laid down by the accounting guidance in force for each category of bodies
- The accounting guidance on the presentation of the accounts to the financial jurisdictions are adopted jointly by the Public Finances Directorate General and the French Court of Audit

# 1. Regulatory deadlines for each category



a) *Regional and local authorities and local public sector bodies:*

- The management accounts of regional and local authorities and local public sector bodies should be produced by the accountant before 31<sup>st</sup> December of the year following the relevant financial year.

b) *Public sector health bodies:*

- The same regulation.

c) *Local public schools*

d) *The State's public administrative bodies (bodies entrusted with this task by the State) and public interest groups:*

- Submitted before 31 October following the closure of the accounts for the financial year in question, that is to say, within a 10-month period.

e) *Public establishment of an industrial or commercial nature with a public accountant (bodies entrusted with this task by the State):*

- Submitted before 30 April following the closure of the accounts for the financial year in question, that is to say, within a 4-month period.

## Activity report 2012, “the reality”



- The analysis of the evolution of the readiness for the examination of the accounts was carried out over the period 2006-2011, taking however into account the data available before 8 March 2013 concerning the last financial year 2011.
- The final data concerning the financial year 2010 show a significant improvement of the situation obtaining a final rate of lack of conformity of the accounts produced at the regional level of Languedoc-Roussillon which stands at 27 per cent in comparison to the rate of lack of conformity of 38 per cent recorded during the financial year 2009. The provisional figures of the accounts 2011 seem to be part of this recovery process observed in 2010, with a rate of lack of conformity of 21 per cent.
- The main weaknesses relate to the management accounts and the shifting pieces
- If the percentage of non compliant accounts have changed for the departments of l'Hérault (since 2006) and la Lozère (since 2007), with rates of lack of conformity of 18 per cent and 12 per cent in 2010 respectively, this is not the case in three other departments (Aude, Gard and the Eastern Pyrenees) which remain characterized by a high rate of lack of conformity in 2010, 31, 34, and 34 per cent, respectively.

## Activity report 2012, “the reality”



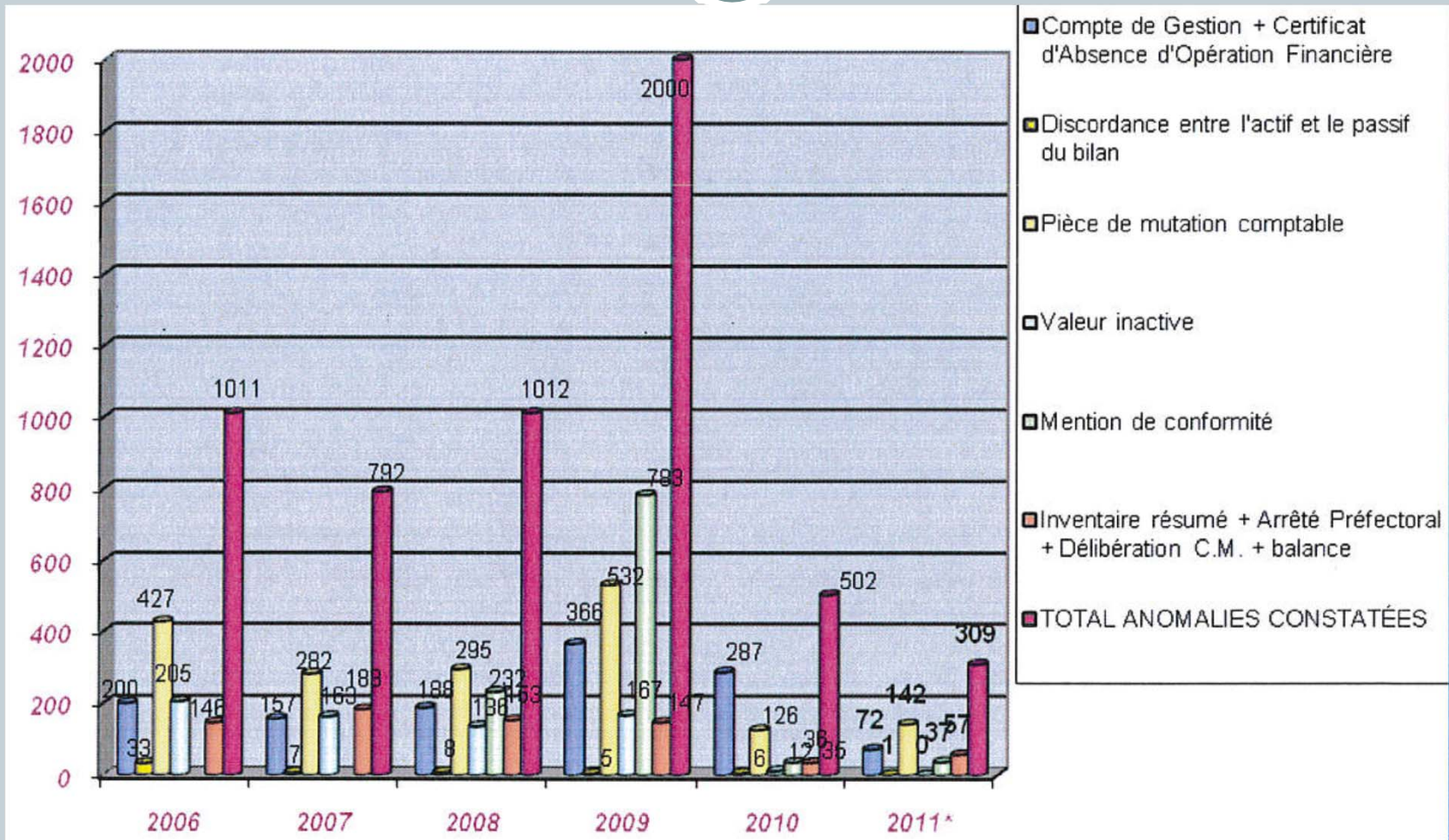
<b>Région Languedoc-Roussillon</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011(1)</b>
Compte de Gestion + Certificat d'Absence d'Opération Financière	200	157	188	366	329	72
Discordance entre l'actif et le passif du bilan	33	7	8	5	6	1
Pièce de mutation comptable	427	282	295	532	370	142
Valeur inactive	205	163	136	167	12	0
Mention de conformité			232	783	153	37
Inventaire résumé + Arrêté Préfectoral + Délibération C.M. + balance	146	183	153	147	109	57
<b>TOTAL ANOMALIES CONSTATÉES <sup>(2)</sup></b>	<b>1011</b>	<b>792</b>	<b>1012</b>	<b>2000</b>	<b>979</b>	<b>309</b>
Nombre de comptes examinés	<b>1776</b>	<b>1794</b>	<b>1787</b>	<b>1788</b>	<b>1751</b>	<b>1022</b>
Nombre de comptes non-conformes	<b>546</b>	<b>441</b>	<b>485</b>	<b>675</b>	<b>474</b>	<b>210</b>
Pourcentage de comptes non-conformes	<b>31%</b>	<b>25%</b>	<b>27%</b>	<b>38%</b>	<b>27%</b>	<b>21%</b>

## Activity report 2012, “the reality”



	2006	2007	2008	2009	2010	2011
% de comptes non-conformes de la région Languedoc-Roussillon	31%	25%	27%	38%	25%	21%
Pourcentage de comptes non-conformes Hérault	34%	26%	24%	23%	15%	15%
Pourcentage de comptes non-conformes Aude	36%	16%	22%	46%	33%	24%
Pourcentage de comptes non-conformes Gard	24%	27%	30%	42%	36%	23%
Pourcentage de comptes non-conformes Lozère	16%	30%	19%	7%	12%	6%
Pourcentage de comptes non-conformes Pyrénées-Orientales	35%	23%	35%	59%	13%	52%

# Activity report 2012, “the reality”





## 2. Tasks entrusted to the Office of the Public Prosecutor



- a) Ensure that the accounts are produced within the regulatory deadlines.
- b) An account is considered to be produced only when the following five conditions are fulfilled:
  - *The effective deposit of the management account with figures*
  - *Required signatures and approvals on the document*
  - *Completeness of this document, namely, main budget, subsidiary budgets, and related accounts*
  - *Compliance with the number of bundles stated on the shipping bill, including the name of the accountant, a list of the regional and local authorities arranged alphabetically, the financial year concerned, the number of packages and the number of bundles*
  - *The documents proving the transfer of accountants, the formal record of the handing over of the essential service in order to set the date of the commencement of the term of office and its date of termination.*
- c) The Registry carries out the necessary checks under the control of the Office of the Public Prosecutor

### 3. Paperless accounts and supporting documents




- The checks and verifications are the same as those performed on printed accounts
- The Registry checks with the Xemelios application that the account is on line, that the balance sheet, the income statement and the trial balance are available. The same verification is performed on all subsidiary accounts
- The Registry requests that the bundle called “o” includes:
  - *A bundle summary inventory which is compared to the registration of bundles carried out by the archivists*
  - *Statement P 606 called compliance statement which includes the authorising officer’s signatures*
  - *Statements P 615 et P 615 A (documents proving the transfer of accountants)*
- Once this verification is performed, the Registry considers the account produced.

# 3. Paperless accounts and supporting documents



B) Relevés P606 des pièces générales pour les comptes soumis à l'apurement juridictionnel :



**P 606 - CRC Hélios - page 1**

**RELEVÉ DES PIÈCES GÉNÉRALES - CRC HELIOS**  
Compte relevant de l'apurement juridictionnel

TRESORERIE : <b>XXX</b>	0XX XXX
<i>ATTENTION : si différent, poste comptable assignataire de la collectivité ou de l'établissement au 31/12/N</i>	
0XX : 0XX : Trésorerie de .....	
COLLECTIVITE ou établissement (N°PL/INSEE + N°SPRET + libellés conformes à ceux présents dans SAM) : <b>XXX-XXXXXXXXXXXX- Commune de ...</b>	Compte <b>201x</b>

**VISA (Obligatoire)**

J'atteste que le compte de gestion sur chiffres dématérialisé de l'exercice validé dans CDG-D par [nom-cp du comptable] et arrivé le [date de l'accusé de réception dans CDG-D] est conforme au compte de gestion sur chiffres visé par le comptable supérieur et voté par l'organe délibérant, sous réserve des pièces visées infra.

À ..... Le .....  
Le comptable, (signature)

N° DE PIÈCE	LIBRETTÉ	ETATS DU COMPTE SUR CHIFFRES NON DEMATERIALIZED	JOINTES		S 5 pièces visées dans demandes à l'ordonnateur	Sans Objet
			Papier	Numérisé		
0A	Hors M21 et M31 : page des signatures et, en M22, tableaux de suivi de l'affectation des résultats (C1 à C4) + autres états du compte sur chiffres visés infra		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0B	M21 et M31 : compte financier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PIÈCES BUDGÉTAIRES ET ADMINISTRATIVES</b>						
1	Budget primitif		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Décisions modificatives (dont, le cas échéant, le budget supplémentaire)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Etat des restes à réaliser (établi au 31/12/N-1) visé par l'ordonnateur		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Compte administratif		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Délibération d'affectation du résultat		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Liasse des bordereaux de mandats		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Liasse des bordereaux d'annulations ou de réductions de mandats		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Liasse des bordereaux de titres		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Liasse des bordereaux d'annulations ou de réductions de titres		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9bis	Liasse des fiches budgétaires en cas de classement chronologique des PJ		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Arrêtés fixant les tarifs, prix ou dotations (EPS, ESMIS)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PIÈCES PATRIMONIALES</b>						
12	Etats des restes à recouvrer "amiable" et "contentieux" au 31/12/N		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Etats des restes à payer au 31/12/N		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Etats des développements des soldes des comptes de tiers et financiers automatisés ou manuels établis au 31/12/N		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Etat de factur et état des flux d'immobilisations co-signés par l'ordonnateur et le comptable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Balance des stocks établie par l'ordonnateur		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PIÈCES RELATIVES A LA METHODE DE CONTRÔLE DES DEPENSES</b>						
17	Copie de la convention de contrôle allégé en partenariat <i>(à transmettre à compter des comptes 2012)</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Copie du plan de contrôle cible CHD		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PIÈCES SE RAPPORTANT AUX VALEURS INACTIVES</b>						
19	Comptes d'emploi des tickets P612 et des valeurs P612bis co-signés par l'ordonnateur et le comptable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	PV de vérification ou recouvrement P610		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	PV d'incinération des tickets co-signés par l'ordonnateur et le comptable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Etat de développement des soldes des autres comptes de valeurs		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINANCES PUBLIQUES INSTRUCTION N° 12-006-M0 DU 8 FÉVRIER 2012

# 3. Paperless accounts and supporting documents



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République Française  
Ministère des Finances  
Ministère de l'Économie

TREASORERIE :

COLLECTIVITE ou établissement N°EPLUNISEE + n°DISET + libellés conformes à ceux présents dans SAM6 :

### PIECES D'ENTREE ET SORTIE DE FONCTION

N° DE PIÈCE	Nombre	DÉSIGNATION DES PIÈCES	OUI	NON	Sans Objet
23A		PV de remise de service : 1ère partie (remise du service par le comptable sortant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23B		PV de remise de service : 2de partie (remise du service au comptable entrant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23C		Procuracion entre comptables (signature des comptes + réponses aux observations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24		Certificat de l'ordonnateur P615 constatant qu'il n'y a aucune reprise à exercer contre le comptable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26A		Déclaration du comptable entrant en fonction P615A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26B		Réserves éventuelles du comptable entrant en fonction et leur mise à jour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### PIÈCES ÉTABLISSANT LA QUALITÉ DES SIGNATAIRES

N° DE PIÈCE	Nombre	DÉSIGNATION DES PIÈCES	OUI	NON	Sans objet
26		Commission du commis d'office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27		Actes établissant la qualité des héritiers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28		Autres pièces (à préciser)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**EN CAS DE PIÈCES JUSTIFICATIVES PEU VOLUMINEUSES**  
 Les pièces justificatives peu volumineuses sont incluses dans la présente liste de pièces générales (même budget) =>

**EN CAS DE COMPTE INACTIF**  
 (absence de budget et d'opération comptable et financière au cours de l'exercice)  
 Si BE=BS=0 =>  Si BE=BS=0 =>

**Liste des pièces papier remplaçant et annulant des pièces dématérialisées ou absentes**

N° de pièce	Pages	DÉSIGNATION DES PIÈCES GÉNÉRALES

**FINANCES PUBLIQUES** INSTRUCTION N° 12-006-M0 du 8 FÉVRIER 2012

## 4. Rules of prescription and limitation



### a) *Limitation period:*

- The prescription period prevents the accountant's liability to be established after the expiry of a specified time limit which starts from the prescription date of his account.
- The date of production of the account corresponds to the delivery date of the full account. Then the account is recorded under the ARIANE software.
- The limitation period should not start to run until the account is considered to be produced. As long as the account has not been submitted or has been submitted incomplete, or until the accountant has answered the supplementary requests made by the Office of the Public Prosecutor, the account is not considered to be produced.

## 5. Request for supplementary information or documents



- The requests for supplementary information or documents which may be made to the accountant are borne by the Registry under the control of the Office of the Public Prosecutor as long as the audit has not been started or the account has not been withdrawn by the rapporteur.
- Such requests should be made within a reasonable time, for instance, 6 months
- Later on during the investigations the rapporteur will request the missing documents and, if necessary, will propose any judicial proceedings he deems necessary.

## 6. Recording the account produced



- The date of production of the account is entered in the software ARIANE
- If no request for additional information is made at the end of the audits performed by the audit chamber the account is considered to be produced
- However, the date of production of the account registered will be that of the last piece of additional information requested
- The rapporteurs should consult the data base ARIANE in order to know the limitation period of the account to be reviewed
  - *For those accounts which are subject to judicial decisions, the Registry issues an acknowledgement of receipt to the public accountant in office so that he reports to the former accountants*

## *B. Delay in producing the account*



- In the event of delays the Public Prosecutor for Financial Matters imposes a fine through an address to the court following a non-contentious proceedings aimed to complete the account
- This fine was established by the Code of Financial Judicial Authorities
- This fine may not be imposed to heirs.



## 1. **Formal legal demand addressed to the accountant**



- In the event of not producing the account within the regulatory deadlines and when the reminders made by the Office of the Public Prosecutor had no effect, the Public Prosecutor for Financial Matters gives proper notice of default in writing to the accountant requesting him to produce the account he is responsible for within a specified time limit.
- Before giving formal demand of default it ought to be ensured that that the account has not been submitted to the senior accountant who has kept the account through carelessness or because the account was incomplete.
- In all cases the senior accountant is kept informed of the opening of proceedings.

# 1. Formal legal demand addressed to the accountant



- In case of failure the Public Prosecutor for Financial Matters intervenes at different times:
  - An address to the court which shall be notified to the accountant and conducted by a magistrate
  - The report shall be submitted to the collegiate body which shall deliberate upon the issue after learning the conclusions of the Office of the Public Prosecutor
  - At the end a fine may be imposed through the courts

## 2. An application for designation of a commissioner



- When the accountant finds it impossible to produce an account subject to be reviewed and examined in a judicial procedure, a commissioner may substitute him in this task.
- The commissioner is appointed under the same conditions as those governing the appointment of the accountant at fault.
- The time limit is 3 months with the possibility of derogation where it proves impossible to submit the account within the initially given deadline.
- The appointment of a commissioner for the presentation of the accounts concerning “de facto” management is made subject to the same conditions as those of the accountant taking up this position on a regular basis
- It is the Public Prosecutor for Financial Matters’ responsibility to apply for the appointment of a commissioner to the public finance department concerned.

## 2. An application for designation of a commissioner



- The accountant commissioner receives a remuneration from the public body which pays or reimburses the accountant at fault.
- When a public body pays a remuneration to an accountant commissioner and the responsibility of the accountant who took up this position on a regular basis is invoked, the remuneration of the accountant commissioner is for the accountant at fault
- The Public Prosecutor for Financial Matters shall then claim the amount of the remuneration from the commissioner

### 3. Address to the court for a fine for late delivery



- When an account is not delivered within the regulatory deadlines the accountant at fault is liable to a fine even if the account is submitted afterwards.
- It is therefore useful to demand the imposition of the fine either to make haste in producing an account which should have already been produced or to penalise the late delivery of an account.
- Theoretically the accountant commissioner could also be fined. The six-month deadline is often insufficient . The non-delivery of an account is very often no mere coincidence.
- The “de facto” accountant may also be punished with a fine for producing an account too late.
- The maximum amount of the fine is 60 € for accountants at local level.
- Fines are no longer subject to partial forgiveness.
- The paperless presentation of accounts reduces the circumstances under which an account may be delivered too late. And therefore the fine is even more justified.

# In conclusion



- The quality of the presentation of accounts is a key factor for the implementation of our tasks
- The presentation of accounts at the right time is also necessary for:
  - An effective planning strategy
  - Responsiveness of jurisdictions which are usually criticized for working too slowly

**Thank you for your attention**