



2019/2098(DEC)

21.1.2020

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2018: performance, financial management and control
(2019/2098(DEC))

Rapporteur for opinion: Roberta Metsola

PA_NonLeg

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Expresses its overall satisfaction with the work of the eight decentralised agencies (CEPOL, EASO, EMCDDA, eu-LISA, Eurojust, Europol, FRA, FRONTEX) falling within its remit, which carry out operational, analytical or managerial tasks and thereby support the Union institutions as well as Member States in implementing policies in the area of Justice and Home Affairs (JHA), and the way their budgets are implemented; recalls the important role of JHA agencies in supporting and advising Member States in the fields of security, justice and fundamental rights; reiterates the need to ensure the provision of adequate financial support for JHA agencies in order to fulfil their mandates in a fully transparent manner and in full compliance with fundamental rights.
2. Welcomes the fact that the Court of Auditors (the 'Court') has certified the legality and regularity of the annual accounts of all JHA agencies and the revenue underlying these accounts for the year which ended on 31 December 2018;
3. Notes that the Court found that the payments underlying the accounts were legal and regular for all agencies except for EASO, for which a qualified opinion was issued due to irregularities in regard to public procurement procedures and related payments; notes that corrective actions launched by EASO in response to the Court's findings for 2017 regarding its governance and internal control arrangements were still ongoing at the end of 2018; highlights in particular that the majority of vacancies opened in 2017 remained unfilled at the end of 2018; deplores the fact that the legality and regularity of payments only slowly improved in 2018 due to a lack of proper attention in their management; regrets that, once again, there were irregularities in a significant procurement procedure (EUR 50 million) carried out by EASO in 2018 due to major procedural weaknesses; acknowledges that the new Executive Director has already taken actions to improve the management of EASO and is demonstrating a strong commitment to addressing as a matter of priority the organisational flaws within EASO; urges EASO to maintain this commitment and to report back to the Committee on Civil Liberties, Justice and Home Affairs on a regular basis;
4. Considers that the sensitivity of the information processed by JHA agencies requires a strict policy of confidentiality, in particular with regard to staff recruitment and management; welcomes, in this regard, the fact that Union agencies increasingly recruit temporary agents rather than contract agents; notes, however, that the Court has identified a horizontal trend across Union agencies of reverting to the hiring of external staff in IT consultancy roles; calls for this dependency on external recruitment in the JHA area to be reduced and for IT services to be internalised as much as possible, in view of the serious risk posed by excessive outsourcing for the protection of sensitive personal data;
5. Notes that the Court did not address 'emphasis on the matter' with regard to JHA agencies, with the exception of FRONTEX; notes that FRONTEX reimbursed EUR 60 million of equipment-related expenditure without proper ex ante controls; stresses that

ex ante controls are rendered ineffective if expenses are reimbursed without prior verification of whether such expenses are justified; notes also that FRONTEX did not carry out ex post verifications to compensate for the weakness of its ex ante procedure; considers this manner of proceeding to be problematic, and calls for immediate action to resolve this problem and to prevent its occurrence in the future, particularly in view of the significant budget increase for FRONTEX in the coming years; urges FRONTEX to revisit its financing scheme for equipment-related expenditure and to significantly strengthen its internal controls in order to ensure that reimbursements are granted for expenses actually incurred;

6. Notes that public procurement continues to be the main area prone to error in relation to all Union decentralised agencies, including those in the JHA area; highlights in particular the illegitimate extension of duration of contracts, financial inconsistencies between framework contracts and specific contracts, over-dependency on specific contractors, and non-justified use of negotiated procurement procedures; stresses that, because the agencies rely on public funding, any weakness in the management of public procurement is ultimately detrimental to their efficiency and to the achievement of their objectives; calls therefore on the affected JHA agencies, i.e. CEPOL, EASO, EMCDDA, eu-LISA, Eurojust, Europol, and FRONTEX, to improve their public procurement procedures with a view to compliance with applicable rules and as a result, the achievement of the most economically advantageous purchases, while respecting the principles of transparency, proportionality, equal treatment and non-discrimination.
7. Encourages all JHA agencies to consider registration under EMAS in order to improve their environmental performance;
8. Notes with concern that several agencies are seriously deficient in relation to gender balance; stresses the importance of remedying this situation and calls on all JHA agencies to strive to achieve the balance and the objectives set by the Commission in its 'Strategic engagement for gender equality 2016-2019', i.e. a level of at least 40% of the under-represented sex;
9. Urges all JHA agencies to implement a clear anti-harassment policy in order to prevent any such behaviour within their organisations, and to firmly condemn it wherever it occurs;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	13.1.2020
Result of final vote	+: 42 -: 5 0: 0
Members present for the final vote	Konstantinos Arvanitis, Malik Azmani, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Damien Carême, Caterina Chinnici, Tudor Ciuhodaru, Clare Daly, Cornelia Ernst, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Assita Kanko, Fabienne Keller, Alice Kuhnke, Juan Fernando López Aguilar, Roberta Metsola, Javier Moreno Sánchez, Kostas Papadakis, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Michal Šimečka, Birgit Sippel, Sylwia Spurek, Tineke Strik, Tom Vandendriessche, Bettina Vollath, Ann Widdecombe, Elena Yoncheva
Substitutes present for the final vote	Damian Boeselager, Patrick Breyer, Delara Burkhardt, Lucia Ďuriš Nicholsonová, Beata Kempa, Ondřej Kovařík, Kris Peeters, Robert Roos, Miguel Urbán Crespo, Loránt Vincze, Petar Vitanov, Maria Walsh, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Lukas Mandl

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

42	+
PPE	Vladimír Bilčík, Vasile Blaga, Lukas Mandl, Roberta Metsola, Kris Peeters, Emil Radev, Paulo Rangel, Loránt Vincze, Maria Walsh, Tomáš Zdechovský
S&D	Delara Burkhardt, Caterina Chinnici, Tudor Ciuhodaru, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Sylwia Spurek, Petar Vitanov, Bettina Vollath, Elena Yoncheva
RENEW	Malik Azmani, Sophia in 't Veld, Fabienne Keller, Ondřej Kovařík, Michal Šimečka
VERTS/ALE	Damian Boeselager, Patrick Breyer, Damien Carême, Alice Kuhnke, Terry Reintke, Tineke Strik
ECR	Lucia Ďuriš Nicholsonová, Patryk Jaki, Assita Kanko, Beata Kempa, Nicola Procaccini
GUE/NGL	Konstantinos Arvanitis, Clare Daly, Cornelia Ernst, Miguel Urbán Crespo

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ID	Nicolas Bay, Tom Vandendriessche
ECR	Robert Roos
NI	Kostas Papadakis, Ann Widdecombe

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention