



TEXTS ADOPTED

P9_TA(2021)0202

2019 discharge: Agency for Support for BEREC (BEREC Office)

1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2019 (2020/2178(DEC))

The European Parliament,

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2019,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2019, together with the agencies' replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2019, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 1 March 2021 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2019 (05793/2021 – C9-0075/2021),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to 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 966/2012³, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1971 of the European Parliament and of the

¹ OJ C 351, 21.10.2020, p. 7. ECA annual report on EU agencies for the 2019 financial year: https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf.

² OJ C 351, 21.10.2020, p. 7. ECA annual report on EU agencies for the 2019 financial year: https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf.

³ OJ L 193, 30.7.2018, p. 1.

Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009¹, and in particular Article 28 thereof,

- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 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 Council², and in particular Article 105 thereof,
 - having regard to Articles 32 and 47 of Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council³,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0082/2021),
1. Grants the Director of the Agency for Support for BEREC (BEREC Office) discharge in respect of the implementation of the Agency's budget for the financial year 2019;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Director of the Agency for Support for BEREC (BEREC Office), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

¹ OJ L 321, 17.12.2018, p. 1.

² OJ L 122, 10.5.2019, p. 1.

³ OJ L 328, 7.12.2013, p. 42.

2. European Parliament decision of 28 April 2021 on the closure of the accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2019 (2020/2178(DEC))

The European Parliament,

- having regard to the final annual accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2019,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2019, together with the agencies' replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2019, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 1 March 2021 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2019 (05793/2021 – C9-0075/2021),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to 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 966/2012³, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009⁴, and in particular Article 28 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 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 Council⁵, and in particular Article 105 thereof,
- having regard to Articles 32 and 47 of Commission Delegated Regulation (EU) No

¹ OJ C 351, 21.10.2020, p. 7. ECA annual report on EU agencies for the 2019 financial year: https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf.

² OJ C 351, 21.10.2020, p. 7. ECA annual report on EU agencies for the 2019 financial year: https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf.

³ OJ L 193, 30.7.2018, p. 1.

⁴ OJ L 321, 17.12.2018, p. 1.

⁵ OJ L 122, 10.5.2019, p. 1.

1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹,

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0082/2021),
1. Approves the closure of the accounts of the Agency for Support for BEREC (BEREC Office) for the financial year 2019;
 2. Instructs its President to forward this decision to the Director of the Agency for Support for BEREC (BEREC Office), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

¹ OJ L 328, 7.12.2013, p. 42.

3. European Parliament resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the Agency for Support for BEREC (BEREC Office) for the financial year 2019 (2020/2178(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the Agency for Support for BEREC for the financial year 2019,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0082/2021),
- A. whereas, according to its statement of revenue and expenditure¹, the final budget of the Agency for Support for BEREC (the ‘BEREC Office’) for the financial year 2019 was EUR 5 653 185, representing an increase of 30,53 % compared to 2018, which mainly represents an increase in staff; whereas the budget of the BEREC Office derives entirely from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the BEREC Office’s annual accounts for the financial year 2019 (the ‘Court’s report’), states that the Court has obtained reasonable assurance that the BEREC Office’s annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,93 %, representing an increase of 0,07 % compared to 2018; notes that the payment appropriations execution rate was 82,68 %, representing a decrease of 0,69 % compared to 2018;
2. Notes with concern that the BEREC Office continued to be affected by a high staff turnover, which poses a serious risk to the implementation of the BEREC Office’s work programme; notes that, in addition, following the establishment of new posts to address the new BEREC Office mandate established in Regulation (EU) 2018/1971, the BEREC Office managed to ensure fast-track recruitment of 13 additional new members of staff (three temporary agents, seven contract agents and three seconded national experts);

Performance

3. Notes that the BEREC Office uses several types of metrics as key performance indicators to assess the added value provided by its activities and to improve its budget management, such as a fully staffed indicator (planned versus actual staff), quality of support to the BEREC Office and its working groups, and the availability rate of supporting tools;
4. Notes with concern that the BEREC Office does not share resources with other Union agencies, due to its limited own resources as stated by the BEREC Office; notes with

¹ OJ C 107, 31.3.2020, p. 140.

concern that the BEREC Office has not been able to find a partner for the provision of the internal control coordinator and security officer functions; notes that the BEREC Office started a joint project, signed in 2019, for sharing IT infrastructure with several joint undertakings; welcomes that joint project and urges the BEREC Office to further explore possible ways of outsourcing its tasks and collaborating on overlapping tasks with other Union agencies, offices and bodies;

5. Calls on the BEREC Office to continue to develop its synergies and increase cooperation and the exchange of good practices with other Union agencies with a view to improving efficiency (human resources, building management, IT services and security);
6. Stresses the importance of increasing the digitalisation of the BEREC Office in terms of internal operations and management procedures; stresses the need for the BEREC Office to continue to be proactive in that regard in order to avoid a digital gap between the Union agencies at all costs; draws attention, however, to the need to take all the necessary security measures to avoid any risk to the online security of the information processed;

Staff policy

7. Notes that on 31 December 2019, the establishment plan was 87,50 % implemented, with 14 temporary agents appointed out of 16 temporary agents authorised under the Union budget (compared to 14 authorised posts in 2018); notes that, in addition, 18 contract agents and six seconded national experts worked for the BEREC Office in 2019;
8. Notes with concern that by 31 December 2019 gender balance at staff level had declined by 8 % compared to 2018 (44 % women and 56 % men in 2019 compared to 52 % women and 48 % men in 2018) and in middle management positions (33 % women and 67 % men in 2019 compared to 50 % women and 50 % men in 2018); asks the BEREC Office to ensure gender balance at the staff and middle management levels in the future; is concerned that gender balance was not achieved among the members of the management board, with only 7 women among 28 members; asks in that regard the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the BEREC Office's management board; notes that geographical balance was achieved, with the BEREC Office employing 32 staff members from 13 Member States;
9. Notes with concern that in 2019 the average employment period in the BEREC Office was only 2,68 years, compared to 2,7 years in 2018; understands that the BEREC Office struggles to attract professionals, inter alia because of the relatively low salary correction coefficient of the host country (78,6 % in 2019, compared to 74,9 % in 2018); acknowledges that the BEREC Office is continuously working towards improving the employment conditions for its staff and applies other mitigation measures and calls on the BEREC Office to report to the discharge authority on the progress made in that regard;
10. Notes from the Court's report, regarding follow-up actions to previous years' observations, that the BEREC Office is still dependent on external resources and on one company in particular for various types of services (such as clerical and secretarial

support, organisation of events and the wellbeing and integration of staff), which creates a risk to business continuity;

11. Is concerned about the large size of the BEREC Office's management board, which complicates the decision-making process and generates considerable administrative costs;
12. Encourages the BEREC Office to pursue the development of a long-term human resources policy framework which addresses work-life balance, lifelong guidance and career development, gender balance, teleworking, geographical balance and the recruitment and integration of persons with disabilities;

Procurement

13. Notes with concern the findings from the Court's report regarding a framework service contract with an estimated value of EUR 200 000 signed in May 2019, related to the improvements needed in the procedure for receiving and recording the details of tenders, having sufficient documentation when evaluating tenders and complying with transparency in the procurement procedure to exclude conflicts of interest; notes from the BEREC Office's reply that all bidders were offered the opportunity to make observations or to appeal but no appeals were filed; notes that the authorising officer reassessed the facts and concluded that there was no risk of conflicts of interest;
14. Notes with concern from the Court's report, that the BEREC Office signed, in December 2018 and January 2019, two framework contracts for the provision of language training with a maximum total combined value of EUR 200 000; notes, however, that the procedure was flawed because of the absence of a needs analysis and a market analysis and the absence of declarations of conflicts of interest of selection committee members; notes from the BEREC Office's reply that the procurement procedure in question took place when the BEREC Office used the decentralised procurement model, while from 1 July 2019 a centralised procurement procedure was established;
15. Notes from the Court's report, regarding follow-up of previous years' observations, that by the end of 2017 the BEREC Office had introduced e-tendering for certain procedures but it had not yet implemented e-invoicing and e-submission; notes from the BEREC Office's reply that e-submission was introduced in 2019 and the on-boarding of e-invoicing is in progress and depends on the availability of the Commission's services;
16. Notes with concern that the BEREC Office was not in a position to launch five procurement procedures planned for 2019 due to a lack of staff to run them or due to changes in planning and needs which resulted in only 44 % of contracts signed from the procurement plan, and which is well below the target rate of 90 %; notes that the BEREC Office organised internal training in 2019 on clear writing of procurement process technical specification;

Prevention and management of conflicts of interest and transparency

17. Notes the BEREC Office's existing measures and ongoing efforts to secure transparency and prevention and management of conflicts of interest; notes with satisfaction that the management board of BEREC Office has adopted rules on

preventing and managing conflicts of interest concerning the members of the management board (Decision No MB/2019/16), based on those new rules the board members have to submit their CVs together with the declarations of interest, which are published on the BEREC Office's website; acknowledges that CVs of most of the board members are published on its website; however, points out with concern that the BEREC Office still does not publish the CVs and the declarations of interest of all board members on its website and that not all board members follow the new rules; calls on the BEREC Office to take appropriate measures to ensure that internal rules are followed at all levels in the BEREC Office; calls on the BEREC Office to publish the CVs and declarations of interest of all the members of the management board and to report to the European Parliament on the measures taken in that regard;

18. Underlines the fact that the current ethical framework applying to Union institutions and agencies suffers from considerable drawbacks due to its fragmentation and lack of consistency between existing provisions; highlights that those issues should be addressed by setting up a common ethical framework, ensuring the application of high ethical standards for Union institutions and agencies;
19. Underlines that certain officials fill in declarations of absence of conflicts of interest and provide self-assessments with regard to respect for ethical standards; highlights, however, that such self-declarations and self-assessments are not sufficient and that additional scrutiny is therefore needed;

Internal controls

20. Notes that in 2019, the BEREC Office undertook an internal exercise to assess its internal control systems, concluding that they have been effectively implemented; notes however with concern the internal control weaknesses identified by the Court regarding procurement procedures, that also need to be taken into account in the BEREC Office's assessment of its internal control system;
21. Notes that in 2019 the Commission's internal audit service issued an audit report on 'Procurement, missions, and reimbursement of experts', which was followed by a corrective action plan aimed to implement all recommendations in 2020 and 2021;

Other comments

22. Notes that the BEREC Office has carried out an analysis of the likely impact of the United Kingdom's decision to withdraw from the Union and identified the necessary mitigating steps; notes that the BEREC Office has no members of staff with only UK citizenship and that there is no risks related to human resources issued;
23. Points out that a complex approach is needed in order to make the websites of Union agencies, offices and bodies accessible to persons with disabilities as provided for in Directive (EU) 2016/2102, including the availability of national sign languages; suggests that organisations representing persons with disabilities are involved in this process;
24. Calls on the BEREC Office to focus on disseminating the results of its research to the public;

25. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021¹ on the performance, financial management and control of the agencies.

¹ Texts adopted, P9_TA(2021)0215.