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TEXTS ADOPTED

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**P9\_TA(2021)0185**

**Discharge 2019: European Aviation Safety Agency**

**1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the budget of the European Union Aviation Safety Agency for the financial year 2019 (2020/2161(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Aviation Safety Agency 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' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> 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 – C9-0058/2021),
- 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 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1139 of the European Parliament and of the

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<sup>1</sup> 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](https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf).

<sup>2</sup> 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](https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf).

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91<sup>1</sup>, and in particular Article 121 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 Council<sup>2</sup>, 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 Council<sup>3</sup>,
  - having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Transport and Tourism,
  - having regard to the report of the Committee on Budgetary Control (A9-0070/2021),
1. Grants the Executive Director of the European Union Aviation Safety Agency 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 Executive Director of the European Union Aviation Safety Agency, 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).

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<sup>1</sup> OJ L 212, 22.8.2018, p. 1.

<sup>2</sup> OJ L 122, 10.5.2019, p. 1.

<sup>3</sup> OJ L 328, 7.12.2013, p. 42.

## **2. European Parliament decision of 28 April 2021 on the closure of the accounts of the European Union Aviation Safety Agency for the financial year 2019 (2020/2161(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Aviation Safety Agency 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' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> 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 – C9-0058/2021),
- 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 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91<sup>4</sup>, and in particular Article 121 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

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<sup>1</sup> 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](https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf).

<sup>2</sup> 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](https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf).

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 212, 22.8.2018, p. 1.

the European Parliament and of the Council<sup>1</sup>, 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 Council<sup>2</sup>,
  - having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Transport and Tourism,
  - having regard to the report of the Committee on Budgetary Control (A9-0070/2021),
1. Approves the closure of the accounts of the European Union Aviation Safety Agency for the financial year 2019;
  2. Instructs its President to forward this decision to the Executive Director of the European Union Aviation Safety Agency, 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).

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<sup>1</sup> OJ L 122, 10.5.2019, p. 1.

<sup>2</sup> 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 European Union Aviation Safety Agency for the financial year 2019 (2020/2161(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Aviation Safety Agency on the financial year 2019,
  - having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Transport and Tourism,
  - having regard to the report of the Committee on Budgetary Control (A9-0070/2021),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Union Aviation Safety Agency (the ‘Agency’) for the financial year 2019 was EUR 196 411 375, representing a decrease of 0,74 % compared to 2018; whereas EUR 37 643 000 of the Agency’s budget derives from the Union budget and EUR 103 214 000 is revenue from fees and charges<sup>2</sup>;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the European Union Aviation Safety Agency for the financial year 2019 (the ‘Court’s report’), states that it has obtained reasonable assurance that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular;

***Budget and financial management***

1. Notes that the budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 96,69 %, representing a decrease of 1,62 % compared to 2018; furthermore, notes with concern that the payments appropriations execution rate was 89,06 %, showing a decrease of 1,20 % compared to 2018;
2. Notes that the rate of cancellations of carry-over continued to increase, attaining 3,7% (1,8 % in 2018) but that it remains below the 5 % limit set by the Commission; welcomes the fact that the successful implementation of the budget and the cancellation of the amounts carried over targets means that no penalties will be applied to the 2021 EU subsidy;
3. Notes that the Agency ended the year with an overall deficit of EUR 552,000 notes that the fees and charges deficit is deducted from the accumulated surplus, reducing it from EUR 52.2 million to EUR 51.5 million; observes that concerning activities related to fees and charges, the income rose by EUR 4.3 million compared to 2018, and for the total of EASA the staff costs increased by EUR 1.1 million administrative costs by EUR 0.65 million and operational costs by EUR 3.4 million;
4. Notes that the surplus has been accumulated by the Agency pursuant to industry-financed activities over the years, for which there is no provision in the Agency’s Founding

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<sup>1</sup> OJ C 107, 31.3.2020, p. 60.

<sup>2</sup> OJ C 107, 31.3.2020, p. 60.

Regulation; stresses that this surplus could prove to be precious for the budgetary equilibrium of the Agency in view of a severe economic crisis for the aviation sector that would impact the fee-related activities;

### ***Performance***

5. Notes that the Agency uses certain measures as key performance indicators (KPIs) to assess the added value provided by its activities and other measures to improve its budget management, such as timely processing of occurrence reports, timely approval of organisation continuation and timely progression on bilateral agreements;
6. Acknowledges that the Agency gathered the aviation community for the 1st Safety in Aviation Forum for Europe (SAFE) 360° event on 13 to 15 May 2019 in Brussels, where about 250 people from across the European aviation safety community came together to share their experiences and to discuss the broader perception of the combined safety risk picture;
7. Acknowledges that the Agency's programme Data4Safety, which will provide a big data platform and an improved analysis capability at European level, made progress in 2019, with the proof of concept phase agreed upon and the implementation phase to be started;
8. Notes that the Agency shares resources on overlapping tasks with other Agencies, including notably the European Food Safety Agency, the European Training Foundation, the European Securities Market Authority, in the areas of surveys, e-learning, cloud and LinkedIn services and environment awareness training; strongly encourages the Authority to actively seek further and broader cooperation with all Union agencies;
9. Calls upon the Agency to aim its focus on disseminating the results of its research to the general public;
10. Encourages the Agency to pursue the development of a long term Human Resources policy framework which addresses the work-life balance, the lifelong guidance and career development, the gender balance, the teleworking, the geographical balance and the recruitment and integration of people with disabilities;
11. Encourages the Agency to pursue the digitalization of its services, as a way to reduce bureaucracy;
12. Notes that the Agency completed in nine months a process similar to the certification of a new derivative aircraft which usually takes between four and five years, as part of the investigation on the aircraft certification which went on in 2020;
13. Recalls that the problem of lack of staff remains one of the main obstacles to efficiency and that priority should be given to supporting staff by providing additional resources.
14. Notes the role of the Agency in assisting the EU to strengthen international cooperation on air transport by signing six new Working Arrangements and two Memoranda of Understanding;

### ***Staff policy***

15. Notes that, by 31 December 2019, the establishment plan had been 94,56 % implemented, with 643 temporary agents appointed out of 680 temporary agents authorised under the Union budget (compared to 680 authorised posts in 2018); notes that, in addition, 86 contract agents and 17 seconded national experts worked for the Agency in 2019;
16. Notes that chair of the management board of the Agency changed from Mr Pekka Henttu (Finland) to Mr Piotr Samson (Poland) in December 2019; notes that deputy chair of the management board changed from Mr Rob Huyser (the Netherlands) to Mr Johann Friedrich Colsman (Germany) in December 2019;
17. Notes with concern that an uneven gender balance was reported for 2019 with regard to the senior managers (18 men and 7 women) and the management board members (61 men and 20 women); asks the Agency to ensure gender balance at the management and staff levels in the future; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;
18. Commends the continuous efforts of the Agency to increase its efficiency, which resulted into net tangible reductions of effort estimated at eight full time equivalents compared to 2018, leading to staffing cost savings of around EUR 960 000; notes that a further 13 full-time equivalents, also gained through efficiency initiatives, were reinvested in core activities;
19. Is concerned about the decision to freeze budget title 1 (staff related expenditure) for the next 3 years; requests that the Agency explain the reasons of such a decision at a time when the budget implementation was lower than required;
20. Welcomes steps taken by the Agency to achieve gender balance, such as encouraging female applications during selection procedures, by offering favourable working conditions and flexible arrangements linked to maternity; welcomes the formation of a gender balance advocacy group to raise awareness of gender balance issues; reiterates its call on the Member States and the Commission to take into account gender balance when nominating members of the Board;
21. Notes with great concern the ECJ decision in the case C-310/19 P, which ruled in favour of an employee, recognising that the Agency had behaved wrongly in not meeting "the requirements arising from the principle of good administration and the duty of care which is incumbent on a body of the Union, such as that EASA, and therefore constitutes a service fault"<sup>1</sup>; is extremely concerned that the Management board failed to follow up this ruling with concrete actions;
22. Regrets the reports on the lack of social dialogue in the Agency, which appears to be used only for communicating decisions already taken instead of engaging in a serious social dialogue mechanism;
23. Takes notes of the increasing rate of union affiliation in the Agency, but is worried that this might be related to continuing social tensions;

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<sup>1</sup> <http://curia.europa.eu/juris/document/document.jsf?text=&docid=226987&pageIndex=0&doclang=FR&mode=req&dir=&occ=first&part=1&cid=2775487>

24. Calls on the management board to pay more careful attention to the social aspects of the staff policy, taking serious steps to reduce the social unrest in the Agency, and establish a serious and productive social dialogue;
25. Requests that the Agency report back on the measures taken to address this situation;

### ***Procurement***

26. Notes that, according to the Court's report, for three out of four procurement procedures audited, the Agency did not publish the estimated volume of the contract as required by the Financial Regulation; notes from the Agency's reply that the Agency had published the volume for all four procedures, however, for three of them only in the tender specifications and the Agency will ensure to either contain an indication of magnitude in the Contract Notice (CN) itself or to make a reference in the CN to the section of the tender specifications where the volume is set, increasing transparency;
27. Notes that, according to the Court's report, for a procedure concerning the procurement of IT services with a value of up to EUR 3,5 million, the Agency required potential tenderers to submit evidence that their minimum annual turnover was at a level that exceeded the maximum allowed by the Financial Regulation; notes from the Agency's reply that the Agency will specifically monitor and verify that application of this criterion is compliant with the Financial Regulation in the future;
28. Notes that, according to the Court's report, regarding the following up of the previous years' observations, the terms used in the framework contract with a single operator in 2018 and also discovered by the Court in 2019 were not specific enough to allow for fair competition and did not ensure value for money; notes the Agency's reply and calls on the Agency to design framework contracts in such a way as to allow for fair competition and ensure value for money;
29. Notes that, according to the Court's report, regarding the following up of the previous years' observations, the Agency committed the funds for an agreement with the Commission on archiving services about eight months after the renewal of the agreement in 2018; notes that, according to the Financial Regulation, the commitment of funds should be recorded before entering into a legal obligation; takes note of the Agency's reply to implement an IT system that prevents any risk of entering legal commitments before budgetary commitments;
30. Notes, regarding the following up of observations from previous years, that, since January 2018, the Agency has given all suppliers the possibility to submit electronic invoices; however, notes that in 2019 the processing of invoices received electronically and the encoding of the invoice data was still done manually;

### ***Prevention and management of conflicts of interest and transparency***

31. Acknowledges the Agency's existing measures and ongoing efforts to ensure transparency; prevention and management of conflicts of interest, and whistle-blower protection; notes that in 2019 the Agency identified several cases of potential conflicts of interest but in most cases the conflicts of interest risk were addressed through the application of specific mitigating measures, with the remaining cases not requiring any mitigating measure to be taken; acknowledges that CVs and declarations of interest of

most board members are published on its website, however, points out that the Agency failed to publish the CVs and declarations of interest of all board members on its website; calls on the Agency to publish the CVs and the declarations of interests of all the members of the management board and to report to the discharge authority on the measures taken in this regard;

32. Notes that the Agency performed a review of the existing conflict of interest framework for staff and board of appeal members, taking into account the recommendations from the IAS Audit Report on Ethics, Fraud Prevention and Conflict of Interest performed at the end of 2018 and the Agency has further improved its mechanism in developing guidelines for staff members and managers aiming at harmonising the mitigating measures to be implemented; notes that in 2019, the Agency started working on the IAS auditors' recommendations, which will be implemented in 2020;
33. Notes that 72 % of the Agency's income consists of fees; takes note of the Agency's view that the fact that applicants pay fees does not necessarily imply a conflict of interest; calls on the Agency to develop preventive measures and regularly assess the staff involved in opinion-making to ensure there is independence;

#### ***Internal controls***

34. Notes that in 2019, the Internal Audit Service performed an audit of outsourcing, partnership agreements and applicant services with the final audit report delivered in the beginning of 2020 and that the Agency is currently taking measures based on the recommendations issued;
35. Notes that the Internal Audit Capability performed five audit assurance engagements in 2019 to assess whether the relevant regulations were complied with, the process objectives were being met, and the key risks were properly mitigated; notes that assurance was provided in each of the reviews and recommendations were given to further enhance either the control environment or the overall efficiency of the processes; acknowledges, furthermore, that in the three follow-up audits carried out in 2018, in one case the residual risks were reduced to an acceptable level, and in the other two areas, the implementation of the remainder of the actions will be assessed in 2020;
36. Notes that the integrated management system of the Agency was recertified with the ISO 9001:2015 standard in 2019 and the auditors identified no nonconformity;
37. Notes that the Agency's directors reviewed the effectiveness of the management system during the 'Management Review' meeting in 2019 and it was concluded that the internal control system fully complies with the Agency's management standards;

#### ***Other comments***

38. Acknowledges the Agency's measures taken to mitigate all risks associated to the UK's withdrawal from the Union, including the establishment of a contingency plan in coordination with the Commission; notes that the Agency cooperated closely with the European Commission during the negotiations with the United Kingdom and that the risk of disruption of aviation activities disappeared with the conclusion of the withdrawal agreement, which entered into force on 1 February 2020; notes that the Agency has evaluated the effect of the UK's withdrawal from the Union on human resources, concluding that only a relatively small number of staff members might be

affected (less than 10); is concerned to hear that, despite this announcement, the Agency is in the process of dismissing all permanent workers of British nationality; requests the Agency to report back to Parliament with the exact figures, and reminds the Agency that the Commission policy on UK's withdrawal from the Union is to safeguard British workers as much as possible;

39. Reiterates that the Agency, classified as a “European Strategic Investment” agency, received in 2018 significant new core tasks with regard to cybersecurity in aviation, drones and urban air mobility, environmental protection, research and development, international cooperation; notes with satisfaction that the Agency has taken many actions in 2019 in order to increase their cyber security and protection of the digital records in its possession; calls, therefore, for an adequate budget of the Agency in order to equip it with the necessary resources for its tasks;
  40. Salutes and underlines the role of the Agency in the Green Deal through its work to improve the environmental impact of aviation, among others through the development of new CO<sub>2</sub> standards, and, in particular, with the EcoLabel programme, sustainable fuels as well as the green renewal of airlines' fleets;
  41. Underlines the significant workload induced by the Boeing 737 Max investigations; commends the efforts deployed by the Agency to lead this mission head-on with the production of a corrective action plan and its more traditional missions; stresses the need to increase the financial and human resources of the Agency to enable it to carry out its important safety and security tasks; recalls, similarly, the role the Agency plays - along with the Clean Sky 2 and SESAR joint undertakings - in reducing CO<sub>2</sub> emissions per passenger;
  42. Points out that a complex approach is needed in order to make the European institutions' home pages accessible to persons with all kind of disabilities as provided for in Directive (EU) 2016/2102, including the availability of national sign languages; suggests that organisations representing disabled persons are involved in this process;
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43. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021<sup>1</sup> on the performance, financial management and control of the agencies.

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<sup>1</sup> Texts adopted, P9\_TA(2021)0215.