



TEXTS ADOPTED

P9_TA(2021)0193

2019 discharge: European Fisheries Control Agency

1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2019 (2020/2169(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Fisheries Control 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' 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 – C9-0066/2021),
- 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,

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.

- having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy¹, and in particular Article 36 thereof,
 - having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency², and in particular Article 45 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 Council³, 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 Council⁴,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Fisheries,
 - having regard to the report of the Committee on Budgetary Control (A9-0092/2021),
1. Grants the Executive Director of the European Fisheries Control 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 Fisheries Control 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).

¹ OJ L 128, 21.5.2005, p. 1.

² OJ L 83, 25.3.2019, p. 18.

³ OJ L 122, 10.5.2019, p. 1.

⁴ 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 Fisheries Control Agency for the financial year 2019 (2020/2169(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Fisheries Control 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' 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 – C9-0066/2021),
- 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 Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy⁴, and in particular Article 36 thereof,
- having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency⁵, and in particular Article 45 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

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 128, 21.5.2005, p. 1.

⁵ OJ L 83, 25.3.2019, p. 18.

Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹, 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 Council²,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Fisheries,
 - having regard to the report of the Committee on Budgetary Control (A9-0092/2021),
1. Approves the closure of the accounts of the European Fisheries Control Agency for the financial year 2019;
 2. Instructs its President to forward this decision to the Executive Director of the European Fisheries Control 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).

¹ OJ L 122, 10.5.2019, p. 1.

² 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 Fisheries Control Agency for the financial year 2019 (2020/2169(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for 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 Fisheries,
 - having regard to the report of the Committee on Budgetary Control (A9-0092/2021),
- A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Fisheries Control Agency (the ‘Agency’) for the financial year 2019 was EUR 17 247 000, representing a decrease of 0,93 % compared to 2018; whereas the budget of the Agency derives mainly from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’) has stated in its report on the Agency’s annual accounts for the financial year 2019 (the ‘Court’s report’) that it has obtained reasonable assurance that the Agency’s annual accounts for the financial year 2019 are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with appreciation that budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,88 %, representing a slight increase of 0,15 % compared to 2018; notes that the payment appropriations execution rate was at 85,69 %, representing a decrease of 1,93 % compared to 2018;

Performance

2. Notes with satisfaction 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 inspections and infringements trends, attendance at training sessions and budget implementation per quarter;
3. Notes that the Agency implemented 99 % of its activities on time and that it fully implemented its annual communication strategy plan in 2019; highlights that in 2019 the Agency coordinated 32 381 fishing vessel inspections, which led to the detection of 1 487 suspected infringements, representing an increase, respectively, of 20,2 % and 107,8 % on the 2018 figures; takes the view that those figures show that inspections and follow-up activities remain an essential tool for ensuring that the rules of the common fisheries policy (CFP) are observed;
4. Notes with satisfaction that in 2019 the Agency has significantly expanded the scope of its activities without additional resources; stresses in particular that the Agency has

¹ OJ C 192, 8.6.2020, p. 1.

coordinated monitoring, control and surveillance measures applicable to approximately 45 additional fish species in European waters, including all species subject to landing requirements, and has extended those activities to recreational fisheries (cod in the Western Baltic Sea);

5. Recalls the importance of fisheries control in achieving the objectives of the CFP; acknowledges the Agency's vital contribution to implementing those objectives; stresses that the ongoing revision of the regulations governing fisheries control will increase the Agency's workload; emphasises the incoherence of seeking to tackle growing obligations without sufficient resources to do so; stresses, therefore, that the financial and human resources available to the Agency need to be increased in the coming years;
6. Notes that the Agency, the European Border and Coast Guard Agency (Frontex) and the European Maritime Safety Agency (EMSA) adopted a tripartite working arrangement defining the cooperation between those agencies and the cooperation with national authorities carrying out coast guard functions by providing services, information, equipment and training, as well as by coordinating multipurpose operations; notes that, during 2019, the Agency extended operational cooperation with Europol and Eurojust in the framework of the European Multidisciplinary Platform against Criminal Threats, which covers illegal fishing activities; considers those arrangements to be a successful example of synergy between Union agencies that should inspire agencies in other areas;
7. Encourages the Agency to pursue the digitalisation of its services, as a way to reduce bureaucracy;
8. Takes note that the results of the second five-year independent external evaluation of the Agency for the period 2012-2016 were presented in 2017; notes with satisfaction that, of the 11 recommendations made, 10 were implemented and the last open recommendation is progressing in line with the roadmap presented to the administrative board on 22 October 2019;
9. Notes that, in cooperation with the Coast Guard Fora, the Agency supported the third workshop of the European Coast Guard Functions Forum (ECGFF) on "Multipurpose Maritime Operations" (MMO) held in Catania, Sicily, Italy from 3 to 5 June 2019 that was attended by 90 delegates from 16 Member States, EMSA and Frontex;
10. Highlights the assistance provided by the Agency to the Commission with regard to cooperation with third countries and the Agency's crucial role in securing a level playing field with all coastal states; stresses, in that regard, the need to increase the resources allocated to the Agency with a view to making it possible to handle the increased workload caused by the withdrawal of the United Kingdom from the Union and any potential consequences of the new relationship for the fisheries control framework;

Staff policy

11. Notes that, on 31 December 2019, the establishment plan was 96,72 % filled, with 59 temporary agents appointed out of 61 temporary agents authorised under the Union budget (61 authorised posts in 2018); notes that, in addition, 10 contract agents and six seconded national experts have been working for the Agency in 2019;

12. Welcomes the Agency's efforts to build a more diverse and inclusive work environment and culture by taking actions in favour of people with disabilities; asks the Agency to assess the possibilities of further strengthening and integrating the principles of equal opportunities in recruitment, training, career development, working conditions as well as to raise staff awareness of those aspects; requests the Agency to examine the possible reasonable improvements and modifications of the Agency's buildings (access, adequate office equipment) for people with reduced mobility or other disabilities;
13. Is extremely concerned by the total lack of gender balance at the senior management level and on the administrative board (43 men and 13 women); deplores the fact that women represent only 26 % of the staff employed in grades AD 8 or above, while they represent almost half of the overall staff; notes with satisfaction, however, the improvement of that figure by 9 percentage points compared to 2018 and by 2 percentage points compared to 2017; invites the Agency to increase its effort to achieve a better gender balance at all levels; asks the Commission and the Member States to step up their efforts to ensure gender balance when nominating their members to the Agency's administrative board;
14. Takes note of the policy of the Agency to promote equal treatment of staff and the objective of gender balance in terms of number, grade and level of responsibility;
15. Encourages the Agency to develop a long-term human resources policy framework which addresses the work-life balance of its staff, lifelong guidance and career development, gender balance, teleworking, non-discrimination, geographical balance and the recruitment and integration of people with disabilities; notes that the Agency is preparing a wide-ranging human resources strategy to be completed by the end of 2020;

Procurement

16. Highlights that the main procurement activity in 2019 was focused on launching two open calls respectively for software development and IT services, and communication services and materials;
17. Welcomes that, following the objective of Union agencies of sharing procurement efforts, the Agency launched an inter-institutional open call for tender in 2019 and that two other agencies joined that procurement procedure; calls on the Agency to report to the discharge authority on future developments regarding its joint procurement procedures; regards that practice as an example worth following; encourages the Agency to further explore possibilities of streamlining procedures with other institutions;

Prevention and management of conflicts of interest and transparency

18. Acknowledges the Agency's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest, and whistle-blower protection; regrets that some of the Agency's administrative board members' CVs and declarations of interest are not published on the Agency's website; calls on the Agency to publish the CVs and the declarations of interest of all the members of the administrative board and to report to the discharge authority on the measures taken in that regard;
19. Underlines the commitment made by the Agency to enhance the transparency of its activities by reporting the meetings that the Agency's staff and Executive Director have with interest representatives and their availability on the Agency's website; regrets that

that information appears in a section existing only on the English version of its website; invites the Agency to fulfil its commitment and to regularly update the page dedicated to that information in all language versions of its website;

20. Welcomes the Agency's efforts to increase the visibility of its action both in the traditional press and on social networks; believes that the communication strategy implemented by the Agency contributes to a better understanding by the general public of the role, institutional organisation and action of the Union in the field of fisheries control; invites the Agency to continue its efforts in that direction and to strengthen its links with civil society, in particular the scientific and academic community;

Internal Controls

21. Notes that, in 2019, the Commission's Internal Audit Service issued an audit report on "Implementation and assessment of the Joint Deployment Plans (JDP)" and that an action plan for potential areas of improvement was agreed; calls on the Agency to report to the discharge authority on the measures taken;
22. Notes that, in 2018, the Commission's Internal Audit Service issued an audit report on "Planning, Budgeting and Monitoring in the Agency" and that an action plan for potential areas of improvement was agreed; notes that the Agency has implemented four out of five recommendations; calls on the Agency to report to the discharge authority on the measures taken;
23. Notes that, in April 2019, the administrative board of the Agency adopted a revised internal control framework aligned with the internal control framework adopted by the Commission and required under Article 30 of the new EFCA Financial Regulation¹; notes that the annual assessment of the internal control framework concluded that measures are needed to further improve the control activities component, in particular in the area of contract management; calls on the Agency to report to the discharge authority on the progress made;
24. Notes with concern that three exceptions and one event of non-compliance were registered in 2019, with an overall notional value of EUR 46 000, mainly relating to a late signature of contract amendments; notes that, although a notional value was attributed to the events, there was no financial impact/loss for the Agency and that the appropriate measures are being taken to avoid the occurrence of such errors; calls on the Agency to report to the discharge authority on the progress made;

Other comments

25. Notes that the Agency has initiated a process in order to be certified in the EU Eco-Management and Audit Scheme ('EMAS') and has taken a series of measures aiming at reducing its overall impact on the environment; points out, however, that the Agency does not have any additional measures in place to reduce or offset CO₂ emissions;

¹ Decision No 19-W-5 of the Administrative Board of the European Fisheries Control Agency of 29 August 2019 concerning the Financial Regulation of the European Fisheries Control Agency (https://www.efca.europa.eu/sites/default/files/AB%20Decision%2019-W-5_Financial%20Regulation.pdf).

26. Notes that the Agency 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;

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27. 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.