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## TEXTS ADOPTED

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### P9\_TA(2021)0176

#### **2019 discharge: European Union Agency for Fundamental Rights**

##### **1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2019 (2020/2152(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Agency for Fundamental Rights 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 – C9-0049/2021),
- 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,

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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.

- having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights<sup>1</sup>, and in particular Article 21 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 Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0086/2021),
1. Grants the Director of the European Union Agency for Fundamental Rights 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 European Union Agency for Fundamental Rights, 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 53, 22.2.2007, 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 Agency for Fundamental Rights for the financial year 2019 (2020/2152(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Agency for Fundamental Rights 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 – C9-0049/2021),
- 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 Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights<sup>4</sup>, and in particular Article 21 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>5</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

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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 53, 22.2.2007, p. 1.

<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>1</sup>,

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0086/2021),
1. Approves the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2019;
  2. Instructs its President to forward this decision to the Director of the European Union Agency for Fundamental Rights, 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 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 Agency for Fundamental Rights for the financial year 2019 (2020/2152(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights 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 Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0086/2021),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Union Agency for Fundamental Rights (the ‘Agency’) for the financial year 2019 was EUR 22 871 576,30, representing a slight decrease of 0,39 % compared to 2018; whereas the Agency’s budget derives almost exclusively from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the 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 with appreciation that budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 100 % of the annual assigned budget not including carry-overs, the same rate as in 2018; notes that the payment appropriations execution rate was 78,70 %, representing an increase of 2,51 % compared to 2018;
2. Notes that, according to the Court’s report, carry-overs of committed appropriations were high for operating expenditure, reflecting the nature of the Agency’s activities, which include financing studies that span several months and often beyond year-end; notes that, according to the Court’s report, the Agency has aimed to improve planning procedures to better monitor delays between the signing of contracts, deliveries and payments; notes that, according to the Court’s report, 28 % of Title III carry-overs to 2020 were committed in December 2019, as were the payment carry-overs from 2018; notes that, according to the Agency’s reply, the second management board meeting is held in December and that its core activities require time to be completed and projects might be requested from Union institutions any time of the year; notes that, according to the Agency’s reply, the Agency started the development of a new monitoring software application, which will improve the monitoring of budget planning; notes that, according to the Court’s report, this finding is indicative of a structural issue and calls on the Agency to improve its budget planning and its implementation cycle and report

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<sup>1</sup> OJ C 107, 31.3.2020, p. 210.

to the discharge authority on the actions taken;

### *Performance*

3. Notes that the Agency uses 31 key performance indicators (KPIs) as part of its performance measurement framework to assess the results and impact of its activities, and 5 additional KPIs to enhance its budget management; notes that a reform of its performance measurement framework was to be finalised in 2020;
4. Reminds the Agency to regularly review and update its performance measurement system and KPIs to ensure that it contributes efficiently, and to ensure its expertise, at Union level; encourages the Agency to carefully analyse the outcomes and use them to improve its strategy and activity planning;
5. Welcomes the Agency's cooperation with other agencies, in particular the European Foundation for the Improvement of Living and Working Conditions, the European Border and Coast Guard Agency, the European Institute for Gender Equality, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, the European Union Agency for Criminal Justice Cooperation, the European Union Agency for Law Enforcement Training and the European Asylum Support Office to achieve common policy objectives; welcomes the fact that, in addition, the Agency regularly supports other Union agencies to reflect obligations stemming from the Charter of Fundamental Rights of the European Union in their work; notes that in 2019 the Agency chaired the EU Agencies Network on Scientific Advice; encourages the Agency to continue to explore ways of sharing resources and staff on overlapping tasks among other agencies with similar activities;
6. Calls on the Agency to continue to increase cooperation and exchanges of good practices with other Union agencies with a view to improving efficiency (human resources, building management, IT services and security);
7. Reiterates the important role of the Agency in helping to ensure that the fundamental rights of people living in the Union are promoted and protected; recalls the importance of the Agency in promoting a reflection on security and fundamental rights; highlights, in particular, the value of the Agency's studies and opinions for the development and implementation of Union legislation;
8. Acknowledges the complex nature of the studies carried out by the Agency, covering the law and practice of all Member States, and the high number of publications produced and training sessions delivered to ensure fundamental rights compliance that also contribute to and feed into the work of different Union bodies and agencies; highlights, in particular, the commitment of the Agency to the protection of vulnerable groups and on combating all types of discrimination within the Union; welcomes the pro-active approach of the Agency towards Parliament and considers that the Agency should be able to offer opinions on legislative proposals on its own initiative and to all areas of rights protected under the Charter of Fundamental Rights of the European Union, including issues of judicial and police cooperation in criminal matters; welcomes, therefore, that the proposal for a Council Regulation amending Regulation (EC) No 168/2007 establishing a

European Union Agency for Fundamental Rights<sup>1</sup> clarifies that the scope of the Agency's activities covers all Union competences;

### ***Staff policy***

9. Notes that, on 31 December 2019, the establishment plan was 98,61 % implemented, with 71 temporary agents appointed out of 72 temporary agents authorised under the Union budget (compared to 72 authorised posts in 2018); notes that, in addition, 30 contract agents and 8 seconded national experts worked for the Agency in 2019;
10. Notes with appreciation that gender balance was achieved among senior managers (3 men and 3 women) and staff in general (50 % male and 50 % female); welcomes the efforts made by the Agency to have a balanced geographical distribution through the different seniorities and roles;
11. Acknowledges the Agency's existing measures and ongoing efforts to prevent harassment; notes that the Agency's policy on protecting the dignity of the person and preventing harassment was updated in 2019;
12. Notes that in 2020 two cases<sup>2</sup> regarding alleged violations of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union (the 'Staff Regulations'), laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>3</sup> and the right to good administration were dismissed as unfounded and that in two other cases<sup>4</sup> the General Court ruled in favour of the Agency both at the first instance<sup>5</sup> and at the appeal stage;
13. 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;

### ***Procurement***

14. Notes that e-procurement tools have been introduced, including e-submission, and are currently used by the Agency for its open call for tenders;
15. Welcomes the fact that the Court's observation regarding the difficulties encountered by the Agency in procuring studies, due to unrealistic market estimation, was acted upon and completed;
16. Notes that the Agency has invested EUR 14 374 to check nine procurement procedures for tenders with a total value of EUR 5 437 000, making the cost for checking each procedure EUR 1 594 (0,26 % of the total estimated contract value);

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<sup>1</sup> COM(2020)0225.

<sup>2</sup> C-682/19 P - BP v FRA and T-31/19 AF v FRA.

<sup>3</sup> OJ L 56, 4.3.1968, p. 1.

<sup>4</sup> C-669/19 P - B v FRA and C-601/19 P - BP v FRA.

<sup>5</sup> T-888/16 - BP v FRA and T-838/16 BP v FRA.

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

17. Welcomes the Agency's existing measures and its ongoing efforts in relation to securing transparency, in relation to the prevention and management of conflicts of interest and in relation to whistleblower protection; notes that there were a number of cases of potential and perceived conflict of interest that were assessed and mitigated and that no cases were reported in 2019; notes that the CVs and declarations of interest of almost all members of the management board and senior management have been published on the Agency's website; calls on the Agency to publish the remaining CVs and declarations of interests and welcomes the measures already taken to mitigate the risk;
18. Underlines the fact that the current ethical framework applying to Union institutions and agencies suffers from considerable drawbacks due to its fragmentation and the lack of coordination between existing provisions; calls for those issues to be addressed by way of setting up a common ethical framework, which would ensure the application of high ethical standards for all 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;
20. Welcomes that, in addition to the Staff Regulations, the Agency has in place a code of good administrative behaviour for its staff as well as a practical guide on the management and prevention of conflicts of interest, which offer comprehensive information and advice on a variety of issues, ranging from behavioural tips to compliance with legal obligations; notes with satisfaction that the Agency provides compulsory training for staff on anti-harassment, ethics and integrity;
21. Notes with satisfaction that the Agency has in place an ethics officer serving as a single point of contact and ensuring that ethics-related policies, procedures and action plans are implemented, monitored and updated in a timely manner;
22. Notes the implementation of the Agency's Anti-Fraud Strategy throughout 2019 with a special focus on the provisions of the Agency's guidelines on whistleblowing; encourages the Agency to continue its work in that regard;

### ***Internal controls***

23. Notes that in 2019 the internal audit service performed an audit on the Research Project Design & Implementation, including the related procurement; notes that, according to the Agency, no critical risks were identified; calls on the Agency to report the audit results and its follow-up to the discharge authority;
24. Notes that in 2018 the Internal Audit Service issued an audit report on ethics and governance which assessed the design and effective implementation of the Agency's governance and control framework in the field of ethics and concluded that overall they were adequately designed and that all the recommendations were closed except one for which evidence necessary for its closure was provided to the Internal Audit Service;
25. Notes that the Agency has adopted an internal control framework based on international

good practice in order to ensure the achievement of its policy and management objectives; notes that in 2019 the Agency started an internal assessment on the level of implementation of the new internal control framework and concluded that all components of the internal control framework are present and are functioning together in an integrated manner;

***Other comments***

26. Notes that the Agency employed the use of a secure e-mail solution offered by the Commission (SECEM) to ensure secure transmission of sensitive non-classified information; notes, furthermore, that the Agency followed all security recommendations issued by DIGIT and CERT-EU relating to the use of DRUPAL, the technology used for the Agency's website;
27. Stresses the importance of increasing the digitalisation of the Agency in terms of internal operations and management procedures; stresses the need for the Agency to continue to be proactive in that regard in order to avoid a digital gap between Union agencies at all costs; stresses, however, the need to take all the necessary security measures to avoid any risk to the online security of information processed;
28. Notes that the Agency disseminated 99 941 print publications and ranked among the top agencies in terms of publication orders at the Publications Office of the European Union; welcomes the fact that the Agency has a good social media presence; encourages the Agency to continue promoting its work, research and activities in order to increase its public visibility;
29. Notes with appreciation the Agency's achievement in ensuring a cost-effective and environmentally friendly working place and strategy and encourages the Agency to continue to employ best practices and to further improve on them;
30. Welcomes that, following the encouragement of Parliament, the Agency introduced the European Union Fundamental Rights Information System (EFRIS) as a tool to assess and analyse international human rights obligations;
31. 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 possibility of further strengthening and integrating the principles of equal opportunities in recruitment, training, career development and working conditions and of raising staff awareness of those issues and to assess possible reasonable improvements of and modifications to its buildings (access, adequate office equipment) for people with reduced mobility or other disabilities;

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32. 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

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

and control of the agencies.