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*Plenary sitting*

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**A8-0155/2019**

4.3.2019

# **REPORT**

on discharge in respect of the implementation of the budget of Eurojust for the  
financial year 2017  
(2018/2186(DEC))

Committee on Budgetary Control

Rapporteur: Petri Sarvamaa

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on discharge in respect of the implementation of the budget of Eurojust for the financial year 2017 (2018/2186(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of Eurojust for the financial year 2017,
- having regard to the Court of Auditors' report on the annual accounts of the European Union's Judicial Cooperation Unit for the financial year 2017, together with Eurojust's reply<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 2017, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council recommendation of 12 February 2019 on discharge to be given to Eurojust in respect of the implementation of the budget for the financial year 2017 (05825/2019 – C8-0076/2019),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- 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>4</sup>, and in particular Article 70 thereof,
- having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>5</sup>, and in particular Article 36 thereof,
- having regard to 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

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<sup>1</sup> OJ C 434, 30.11.2018, p. 161.

<sup>2</sup> OJ C 434, 30.11.2018, p. 161.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 193, 30.7.2018, p. 1.

<sup>5</sup> OJ L 63, 6.3.2002, p. 1.

of the Council<sup>1</sup>, and in particular Article 108 thereof,

- having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0155/2019),
1. Grants the Administrative Director of Eurojust discharge in respect of the implementation of Eurojust's budget for the financial year 2017;
  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 Administrative Director of Eurojust, 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 328, 7.12.2013, p. 42.

## 2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### on the closure of the accounts of Eurojust for the financial year 2017 (2018/2186(DEC))

*The European Parliament,*

- having regard to the final annual accounts of Eurojust for the financial year 2017,
- having regard to the Court of Auditors' report on the annual accounts of the European Union's Judicial Cooperation Unit for the financial year 2017, together with Eurojust's reply<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 2017, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council recommendation of 12 February 2019 on discharge to be given to Eurojust in respect of the implementation of the budget for the financial year 2017 (05825/2019 – C8-0076/2019),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- 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>4</sup>, and in particular Article 70 thereof,
- having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>5</sup>, and in particular Article 36 thereof,
- having regard to 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

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<sup>1</sup> OJ C 434, 30.11.2018, p. 161.

<sup>2</sup> OJ C 434, 30.11.2018, p. 161.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> OJ L 193, 30.7.2018, p. 1.

<sup>5</sup> OJ L 63, 6.3.2002, p. 1.

of the Council<sup>1</sup>, and in particular Article 108 thereof,

- having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0155/2019),
1. Approves the closure of the accounts of Eurojust for the financial year 2017;
  2. Instructs its President to forward this decision to the Administrative Director of Eurojust, 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. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of Eurojust for the financial year 2017 (2018/2186(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of Eurojust for the financial year 2017,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0155/2019),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of Eurojust for the financial year 2017 was EUR 48 689 237, representing an increase of 11,83 % compared to 2016; whereas the budget increase relates mainly to transition of Eurojust to its new premises; whereas the entire budget of Eurojust derives from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the Eurojust for the financial year 2017 (the ‘Court’s report’), states that it has obtained reasonable assurances that Eurojust’s annual accounts are reliable and that the underlying transactions are legal and regular;

#### ***Budget and financial management***

1. Notes with satisfaction that the budget monitoring efforts during the financial year 2017 resulted in a budget implementation rate of 99,97 %, representing a slight increase of 0,08 % compared to 2016 and including EUR 11 130 000 that was ring-fenced for the new building; notes that the payment appropriations execution rate was 83,95 %, representing an increase of 3,53 % compared to 2016;
2. Welcomes the lack of remarks of the Court regarding the execution of the 2017 budget of Eurojust; welcomes especially that most of the recommendations issued by the Courts of Auditors for previous years have been closed;

#### ***Cancellation of carry-overs***

3. Notes that the cancellations of carry-overs from 2016 to 2017 amounted to EUR 234 228, representing 2,96 % of the total amount carried over, a decrease of 2,64 % compared to 2016;
4. Highlights, in particular, that as from 2017 the Court does no longer report excessive carry-overs of commitment appropriations from the previous year (2016) to the current year (2017) for Title II (expenditure for support activities);

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<sup>1</sup> OJ C 279, 8.8.2018, p. 9.

## *Performance*

5. Notes with satisfaction that Eurojust uses certain quantitative and qualitative key performance indicators to measure its achievements of its objectives for its annual activities including impact, outcome and technical and operational indicators to improve its budget management; acknowledges Eurojust's efforts to enhance its performance evaluation framework to provide more meaningful information that would better indicate the achievement of its strategic objectives and assess the added value provided by its activities;
6. Notes that Eurojust implemented an in-depth reorganisation of its administration, with more resources being devoted to reinforcing support to operational work, which has created synergies and efficiency gains; notes that these gains were exemplified by the high rate of budget and payment execution;
7. Notes with satisfaction that in 2017, Eurojust contributed to counter-terrorism projects of the European Union Agency for Law Enforcement Cooperation (Europol) and other justice and home affairs partners and furthermore participated in two joint tender procedures with Europol; notes with satisfaction that Eurojust intends to develop a procurement strategy aimed at further reaping the benefits of inter-agency and inter-institutional joint procurement procedures; strongly encourages Eurojust to further develop cooperation projects with the other institutions, agencies, offices and bodies of the Union, in the field of Justice and Home Affairs;
8. Recalls the importance and the added value of Eurojust in the fight against organised crime across Europe and, in particular, its role in funding Joint Investigation Teams ('JITs'); welcomes, in that regard, the recent conclusion of a new memorandum of understanding between Eurojust and Europol<sup>1</sup> laying down criteria and conditions for the financial support to JITs activities provided by both of them;

## *Staff policy*

9. Notes that on 31 December 2017 the establishment plan was 97,2 % executed, with 202 temporary agents, appointed out of 208 temporary agents authorised under the Union budget (compared with 203 authorised posts in 2016); notes that in addition, 21 contract agents and 17 seconded national experts worked for Eurojust in 2017;
10. Notes with satisfaction that Eurojust has adopted a policy on preventing harassment and organised trainings and enabled confidential counselling;
11. Welcomes the Court's suggestion that Eurojust publish vacancy notices on the website of the European Personnel Selection Office in order to increase publicity; understands Eurojust's concerns regarding translation costs;
12. Encourages Eurojust to consider adopting a fundamental rights strategy, including a reference to fundamental rights in a code of conduct that could define the duties of its staff and training for staff; setting up mechanisms ensuring that any violation of

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<sup>1</sup> Memorandum of Understanding on the joint establishment of rules and conditions for financial support to joint investigation team activities between Europol and Eurojust, signed on the 1 June 2018.



fundamental rights be detected and reported, and that risks of such violations be swiftly brought to the attention of the main bodies of Eurojust; establishing, whenever relevant, the position of a fundamental rights officer, reporting directly to the management board to ensure a certain degree of independence vis-a-vis other staff, in order to ensure that threats to fundamental rights shall be immediately addressed, and that a constant upgrading of the fundamental rights policy within the organization; developing a regular dialogue with civil society organisations and relevant international organizations on fundamental rights issues; making compliance with fundamental rights a central component of the terms of reference of the collaboration of the Eurojust concerned with external actors, including in particular members of national administrations with whom it interacts at operational level;

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

13. Acknowledges Eurojust's existing measures and ongoing efforts to secure transparency, and prevention and management of conflicts of interest; regrets that the Agency's policy is to publish declarations of absence of conflict of interest rather than declarations interests for the Administrative Director and the members of the management board; calls for the publication of declarations of interests;
14. Notes that Eurojust adopted its internal rules on whistleblowing on the basis of the Commission's model rules in June 2018; asks the Agency to provide details on whistleblowing cases in 2017, if any, and on how they were handled; underlines the importance of awareness-raising and training of staff as means of fostering a positive and trusting environment in which whistleblowing is an accepted part of the corporate culture;
15. Regrets that the recommendation issued by the Court in 2010 to reconsider the definition of respective roles and responsibilities between the Administrative Director and the College of Eurojust to avoid overlap of responsibilities resulting from the Founding Decision<sup>1</sup> was still open at the end of 2017; acknowledges that addressing this issue is not under Eurojust's control but was under consideration by the co-legislators in the context of the review of Eurojust's mandate; welcomes the adoption of Regulation (EU) 2018/1727 of the European Parliament and of the Council<sup>2</sup> and expects that these issues are resolved with the new structure and the clarification of roles and responsibilities therein, including the new Executive Board;

### ***Internal Controls***

16. Observes that in 2017, following the recommendation of the Internal Audit Service, Eurojust removed its accounting staff from the Budget, Finance and Procurement Unit to enhance their independence; notes furthermore that the Accounting Officer, as Head of the Accounting Office, is appointed by the College of Eurojust;

### ***Other comments***

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<sup>1</sup>Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63, 6.3.2002, p. 1).

<sup>2</sup> Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

17. Acknowledges that Eurojust successfully completed the move to its new premises in June 2017 with no loss of operational capacity and that all necessary financial, security, legal and other practical arrangements were made in a timely manner; notes that regarding the investments in the new premises planned for 2017, EUR 11 130 000 were committed and EUR 8 790 000 (79 %) had been paid by 31 December 2017; calls on Eurojust to report to the discharge authority on further developments in that regard;

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18. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of ...2019<sup>1</sup> on the performance, financial management and control of the agencies.

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<sup>1</sup> Texts adopted, P8\_TA\_PROV(2019)0000.

17.1.2019

## **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 Eurojust for the financial year 2017  
(2018/2186(DEC))

Rapporteur for opinion: Romeo Franz

### **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. Welcomes the Court of Auditors' conclusions that the annual accounts of Eurojust present fairly its financial position on 31 December 2017 and that its transactions are legal and regular;
2. Welcomes the lack of remarks of the Court of Auditors regarding the execution of the 2017 budget of Eurojust; welcomes especially that most of the recommendations issued by the Court of Auditors for previous years have been closed; highlights, in particular, that as from 2017 the Court of Auditors does no longer report excessive carry-overs of commitment appropriations from the previous year (2016) to the current year (2017) for Title II (expenditure for support activities);
3. Regrets that Eurojust does not publish all of its vacancy notices on the website of the European Personnel Selection Office ('EPSO') but only on its own website and in social media; acknowledges the concerns of Eurojust with regard to additional translation costs due to the fact that EPSO requires publication of vacancy notices in all official languages but points out that there is only a limited number of vacancies concerned in the case of Eurojust; agrees with the Court of Auditors that this would be relevant and useful as EPSO publications increase transparency and publicity and allow Union

citizens to identify vacancies published by the different Union institutions and agencies collectively; requests therefore that Eurojust also publishes its vacancy notices on the EPSO website; invites the Commission to consider measures aimed at reducing the financial burden for the translation of vacancy notices upon the agencies, including by establishing an ad hoc framework agreement with the Translation Centre for the Bodies of the European Union (CdT);

4. Recalls the importance and the added value of Eurojust in the fight against organised crime across Europe and, in particular, its role in funding Joint Investigation Teams ('JITs'); welcomes, in that regard, the recent conclusion of a new memorandum of understanding between Eurojust and Europol<sup>1</sup> laying down criteria and conditions for the financial support to JITs activities provided by both of them;
5. Regrets that the recommendation issued by the Court of Auditors in 2010 to reconsider the definition of respective roles and responsibilities between the Administrative Director and the College of Eurojust to avoid overlap of responsibilities resulting from the Founding Decision<sup>2</sup> was still open at the end of 2017; acknowledges that addressing this issue is not under Eurojust's control but was under consideration by the co-legislators in the context of the review of Eurojust's mandate; welcomes the adoption of Regulation (EU) 2018/1727 of the European Parliament and of the Council<sup>3</sup> and expects that these issues are resolved with the new structure and the clarification of roles and responsibilities therein, including the new Executive Board.

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<sup>1</sup> Memorandum of Understanding on the joint establishment of rules and conditions for financial support to joint investigation team activities between Europol and Eurojust, signed on the 1 June 2018.

<sup>2</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63, 6.3.2002, p. 1).

<sup>3</sup> Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	10.1.2019
<b>Result of final vote</b>	+: 43 -: 2 0: 1
<b>Members present for the final vote</b>	Asim Ademov, Martina Anderson, Heinz K. Becker, Monika Beňová, Michał Boni, Caterina Chinnici, Rachida Dati, Frank Engel, Laura Ferrara, Romeo Franz, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Cécile Kashetu Kyenge, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
<b>Substitutes present for the final vote</b>	Dennis de Jong, Anna Hedh, Lívia Járóka, Marek Jurek, Jean Lambert, Jeroen Lenaers, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Christine Revault d'Allonnes Bonnefoy
<b>Substitutes under Rule 200(2) present for the final vote</b>	Norbert Erdős, Fernando Ruas, Adam Szejnfeld

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

43	+
ALDE	Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz
ECR	Marek Jurek, Monica Macovei, Helga Stevens
EFDD	Laura Ferrara
GUE/NGL	Martina Anderson, Dennis de Jong, Marie-Christine Vergiat
PPE	Asim Ademov, Heinz K. Becker, Michał Boni, Rachida Dati, Frank Engel, Norbert Erdős, Kinga Gál, Monika Hohlmeier, Livia Járóka, Jeroen Lenaers, Roberta Metsola, Fernando Ruas, Csaba Sógor, Adam Szejnfeld, Traian Ungureanu, Tomáš Zdechovský
S&D	Monika Beňová, Caterina Chinnici, Ana Gomes, Sylvie Guillaume, Anna Hedh, Cécile Kashetu Kyenge, Andrejs Mamikins, Claude Moraes, Ivari Padar, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Jean Lambert, Judith Sargentini, Bodil Valero

2	-
ENF	Auke Zijlstra
NI	Udo Voigt

1	0
ECR	Kristina Winberg

Key to symbols:

+ : in favour

- : against

0 : abstention

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	20.2.2019
<b>Result of final vote</b>	+: 19 -: 0 0: 1
<b>Members present for the final vote</b>	Nedzhmi Ali, Inés Ayala Sender, Zigmantas Balčytis, Dennis de Jong, Tamás Deutsch, Martina Dlabajová, Ingeborg Gräßle, Jean-François Jalkh, Wolf Klinz, Monica Macovei, Georgi Pirinski, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Bart Staes, Marco Valli, Derek Vaughan, Joachim Zeller
<b>Substitutes present for the final vote</b>	Karin Kadenbach
<b>Substitutes under Rule 200(2) present for the final vote</b>	Petra Kammerevert

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

19	+
ALDE	Nedzhmi Ali, Martina Dlabajová, Wolf Klinz
ECR	Monica Macovei
EFDD	Marco Valli
GUE/NGL	Dennis de Jong
PPE	Tamás Deutsch, Ingeborg Gräßle, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Joachim Zeller
S&D	Inés Ayala Sender, Zigmantas Balčytis, Karin Kadenbach, Petra Kammerevert, Georgi Pirinski, Derek Vaughan
VERTS/ALE	Bart Staes

0	-

1	0
ENF	Jean-François Jalkh

Key to symbols:

+ : in favour

- : against

0 : abstention