



**2018/2210(DEC)**

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 the European Union agencies for the financial year 2017: performance, financial management and control  
(2018/2210(DEC))

Rapporteur for opinion: Romeo Franz

PA\_NonLeg

## 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' (the 'Court') conclusions that the final annual accounts of all agencies in the area of justice and home affairs (JHA agencies) present fairly, in all material respects, their financial position on 31 December 2017 and that their transactions are legal and regular;
2. Acknowledges, however, that for EASO, the Court issued an adverse opinion regarding the legality and regularity of its payments due to material and systematic instances of non-compliance of payments with EASO's Financial Regulation and other applicable rules and provisions, mainly related to public procurement and recruitment procedures underlying payments; regrets that the combined error from non-compliant payments amounts to at least 7,7 million euros or 10,3 % of the EASO total payments made in 2017, which is a substantial increase on the error rate from 2016; notes the exponential deterioration of the human resource situation in EASO in 2017; regrets that EASO did not in 2017 have the administrative capacity to fill its high number of vacancies causing a significant risk to the continuation of its operations at the current scale; welcomes EASO's strong commitment to address its organisational and managerial weaknesses without delay; notes that the Parliament refused the discharge for the 2016 budget of EASO in October 2018;
3. Points out that for Frontex, the Court has reported again in 2017 that proof of expenditures claimed by cooperating countries were often insufficient; welcomes the decision of Frontex to introduce a simplified cost reimbursement model to address this issue which has been recurring since 2014; notes as well in this context that the Court reported cancellations of budget appropriations carried over from previous years, which indicates a clear overestimation by public administrations of EU Member States and other cooperating countries of Frontex' budgetary needs in these years;
4. Takes note that CEPOL remains the only JHA agency which has delegated its accounting functions to the Commission accounting officer on a contractual basis; encourages the other agencies to do the same as this will increase the effectiveness of the preparation of the accounts and ensure the reliability thereof;
5. Stresses that for the development and implementation of IT projects eu-LISA had to apply an outsourcing model where some 90 % of the related work, such as the operational management of systems, was carried out by three contractors because it lacked the necessary human resources; acknowledges that IT projects are owned by and are under the control of the Agency but fears that a model under which the evolution and development activities for such sensitive IT systems is outsourced to such extent creates risks of over-reliance on contractors and over-dependency on them; highlights that the small number of staff in key operational units creates risks for the continuity of operations; welcomes the actions taken so far by eu-LISA in this respect and requests eu-LISA to take adequate long-term measures at both organisational and possibly technological/operational level to mitigate those risks in the long run to ensure the

continuity of the Agency's operations and the functioning of the Schengen area; requests eu-LISA to ensure that the contractors are not bound by any laws of third countries that could bring them into conflict with the necessary confidentiality arrangements with eu-LISA;

6. Regrets that for eu-LISA, FRA and CEPOL the Court also (in addition to EASO) observed weaknesses in public procurement, mostly relating to services, that put at risk the principle of value for money; notes that frequent shortcomings identified include lack of adequate balance between price and quality aspects for contract award criteria, a non-optimal design of framework contracts, the use of framework contracts that allowed the purchase of services for which specifications and/or price were not sufficiently detailed and the unjustified use of intermediary services; calls on these agencies to take the remedial actions to avoid similar issues in the future;
7. Regrets that different Justice and Home Affairs agencies only publish vacancy notices on their own website and in a limited number of languages; requests all the Justice and Home Affairs agencies to systematically publish all their vacancy notices on the website of the European Personnel Selection Office (EPSO) in all Union languages, in order to increase transparency for all Union citizens; acknowledges the additional costs relating to the translation of vacancy notes in all the official languages of the Union and invites the European 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).

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	10.1.2019
<b>Result of final vote</b>	+: 43 -: 3 0: 0
<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

3	-
ECR	Kristina Winberg
ENF	Auke Zijlstra
NI	Udo Voigt

0	0

### Key to symbols:

+ : in favour

- : against

0 : abstention