



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Budgetary Control*

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**2014/2113(DEC)**

6.3.2015

# AMENDMENTS

## 1 - 20

**Draft report**  
**Ryszard Czarnecki**  
(PE539.722v01-00)

on the discharge in respect of the implementation of the budget of the  
European Agency for the Management of Operational Cooperation at the  
External Borders of the Member States of the European Union for the financial  
year 2013  
(2014/2113(DEC))

AM\_Com\_NonLegReport

**Amendment 1**  
**Tomáš Zdechovský**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. Grants the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013 / ***Postpones its decision on granting the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;***

*Amendment*

1. Grants the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Or. en

**Amendment 2**  
**Benedek Jávor**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. ***Grants the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013 /*** Postpones its decision on granting the Executive Director of the European Agency for the Management of

*Amendment*

1. Postpones its decision on granting the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Or. en

### **Amendment 3**

**Richard Ashworth, Beata Gosiewska, Richard Sulík**

#### **Proposal for a decision 1**

##### **Paragraph 1**

###### *Proposal for a decision*

***1. Grants the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013 /***  
Postpones its decision on granting the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

###### *Amendment*

1. Postpones its decision on granting the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Or. en

### **Amendment 4**

**Marco Valli**

#### **Proposal for a decision 1**

##### **Paragraph 1**

###### *Proposal for a decision*

***1. Grants the Executive Director of the European Agency for the Management of***

###### *Amendment*

1. Postpones its decision on granting the Executive Director of the European

***Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013 /***  
Postpones its decision on granting the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union discharge in respect of the implementation of the Agency's budget for the financial year 2013;

Or. it

**Amendment 5**  
**Tomáš Zdechovský**

**Proposal for a decision 2**  
**Paragraph 2**

*Proposal for a decision*

2. Approves the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013 / ***Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;***

*Amendment*

2. Approves the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

Or. en

**Amendment 6**  
**Benedek Jávor**

**Proposal for a decision 2**  
**Paragraph 2**

*Proposal for a decision*

**2. Approves the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013** / Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

*Amendment*

2. Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

Or. en

**Amendment 7**

**Richard Ashworth, Beata Gosiewska, Richard Sulík**

**Proposal for a decision 2**

**Paragraph 2**

*Proposal for a decision*

**2. Approves the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013** / Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

*Amendment*

2. Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

Or. en

**Amendment 8**

**Marco Valli**

**Proposal for a decision 2**

**Paragraph 2**

*Proposal for a decision*

**2. Approves the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013** / Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

*Amendment*

2. Postpones the closure of the accounts of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2013;

Or. it

**Amendment 9**  
**Zigmantas Balčytis**

**Motion for a resolution**  
**Paragraph 2 – indent 2 a (new)**

*Motion for a resolution*

*Amendment*

**- notes that the recruitment procedures examined showed significant shortcomings affecting transparency and the equal treatment of candidates; welcomes the fact that the Agency has implemented procedures aiming to reduce the mentioned shortcomings;**

Or. en

**Amendment 10**  
**Benedek Jávor**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

*Amendment*

3. **Regrets** that for two consecutive years,

3. **Is deeply concerned** that for two

the Court found no reasonable assurances on the legality and regularity of the Agency's transactions; notes that in order to verify the expenditure claimed by the cooperating countries, the Agency performed *the reasonableness* checks prior to payment for joint return operations and joint land/sea/air operations; *points out* that for the grant agreements signed before June 2013 the Agency did not usually request documentation supporting the cooperating countries' entitlements;

consecutive years, the Court found no reasonable assurances on the legality and regularity of the Agency's transactions; *considers that the situation will not be solved without new effort from the Agency; urges therefore the Agency to take new and additional measures to tackle this situation*; notes that in order to verify the expenditure claimed by the cooperating countries, the Agency performed *insufficient* checks prior to payment for joint return operations and joint land/sea/air operations; *is concerned* that for the grant agreements signed before June 2013 the Agency did not usually request documentation supporting the cooperating countries' entitlements;

Or. en

## **Amendment 11**

**Monica Macovei**

### **Motion for a resolution**

**Paragraph 3**

#### *Motion for a resolution*

3. Regrets that for two consecutive years, the Court found no reasonable assurances on the legality and regularity of the Agency's transactions; notes that in order to verify the expenditure claimed by the cooperating countries, the Agency performed the reasonableness checks prior to payment for joint return operations and joint land/sea/air operations; *points out* that for the grant agreements signed before June 2013 the Agency did not usually request documentation supporting the cooperating countries' entitlements;

#### *Amendment*

3. *Deeply* regrets that for two consecutive years, the Court found no reasonable assurances on the legality and regularity of the Agency's transactions; notes that in order to verify the expenditure claimed by the cooperating countries, the Agency performed the reasonableness checks prior to payment for joint return operations and joint land/sea/air operations; *Expresses its deep concern* that for the grant agreements signed before June 2013 the Agency did not usually request documentation supporting the cooperating countries' entitlements;

Or. en



**Amendment 12**  
**Benedek Jávor**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. *Notes* that the majority of 2013 transactions resulted from grant agreements signed before June 2013; *notes furthermore* that 2013 grant transactions were not subject to ex post controls, as only the grants relating to transactions from previous years are subject to such controls;

*Amendment*

4. *Points out* that the majority of 2013 transactions resulted from grant agreements signed before June 2013; *is deeply concerned* that 2013 grant transactions were not subject to *any* ex post controls, as only the grants relating to transactions from previous years are subject to such controls; *ask therefore to the Agency to report to the discharge authorities on the state of play of the 2013 ex post controls before granting the discharge to the Agency*;

Or. en

**Amendment 13**  
**Benedek Jávor**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. *Notes from* the Court's report *that* the suppliers' statements at year-end were reconciled with considerable difficulty; points out the need for monitoring supplier balances more regularly and to analyse differences in a more timely manner;

*Amendment*

8. *Is concerned that according to* the Court's report the suppliers' statements at year-end were reconciled with considerable difficulty; points out the need for monitoring supplier balances more regularly and to analyse differences in a more timely manner;

Or. en

**Amendment 14**  
**Monica Macovei**

**Motion for a resolution**  
**Subheading 4 a (new)**

*Motion for a resolution*

*Amendment*

***Prevention and management of conflict of interests***

***1. Regrets that the Agency did not adopt a clear, comprehensive and objective policy for the prevention and management of conflict of interests. Acknowledges that even though the Agency has not yet signed the headquarters Agreement, this does not impede it to adopt internal laws, codes and guidelines that state the necessary definitions, principles and essential requirements for a conflict of interests policy;***

***In addition, the discharge authority urges the Agency to take concrete steps in order to resolve and manage conflict of interests cases;***

***Calls upon the Agency to adopt the abovementioned measures until the end of September 2015 and to inform the discharge authority about the concrete outcome of the conflict of interests policy;***

***2. Acknowledges that the Agency is operational since 2005 and has still not adopted a comprehensive conflict of interests policy; the Agency did not publish any CVs and declaration of interests of the Management Board, staff and experts;***

***Stresses the need for the publication of the abovementioned documents that would enable the identification and disclosure of private interests, which could potentially conflict with the duties of the officials;***

***3. Urges the Agency to proceed to a rapid, complete and in-depth disclosure of CVs***

*and declaration of interests until the end of September 2015;*

*4. Calls upon the Agency to adopt comprehensive policies for the management of conflict of interest situations such as: divestment of the interest by the public official, recusal of the public official from involvement in an affected decision-making process, restriction of access by the affected public official to particular information, re-arrangement of the public official's duties or resignation of the public official from their office;*

Or. en

**Amendment 15**  
**Benedek Jávor**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. *Notes that* 35 % of committed appropriations in 2013 were carried over to 2014; acknowledges from the Court's report that the multiannual nature of the Agency's operations and the heightened risk of unexpected events represent a particular challenge in respect of annual budget planning and implementation and that late amending budgets remain beyond the Agency's control; points out, however, that there is still scope for improving budget monitoring to help reduce the level of carry-overs; *notes from* the Agency's *that it will take* actions aimed at improving control over the financing of its operational multiannual activities;

*Amendment*

11. *Is concerned that EUR 32 million or* 35 % of committed appropriations in 2013 were carried over to 2014; acknowledges from the Court's report that the multiannual nature of the Agency's operations and the heightened risk of unexpected events represent a particular challenge in respect of annual budget planning and implementation and that late amending budgets remain beyond the Agency's control; points out, however, that there is still scope for improving budget monitoring to help reduce the level of carry-overs; *asks to* the Agency *to take swift* actions aimed at improving control over the financing of its operational multiannual activities;

Or. en

**Amendment 16**  
**Tamás Deutsch**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Notes that 35 % of committed appropriations in 2013 were carried over to 2014; acknowledges from the Court's report that the multiannual nature of the Agency's operations and the heightened risk of unexpected events represent a particular challenge in respect of annual budget planning and implementation and that late amending budgets remain beyond the Agency's control; points out, however, that there is still scope for improving budget monitoring to help reduce the level of carry-overs; notes from the Agency's that it will take actions aimed at improving control over the financing of its operational multiannual activities;

*Amendment*

11. Notes **with concern** that 35 % of committed appropriations in 2013 were carried over to 2014; acknowledges from the Court's report that the multiannual nature of the Agency's operations and the heightened risk of unexpected events represent a particular challenge in respect of annual budget planning and implementation and that late amending budgets remain beyond the Agency's control; points out, however, that there is still scope for improving budget monitoring to help reduce the level of carry-overs; notes from the Agency's that it will take actions aimed at improving control over the financing of its operational multiannual activities;

Or. en

**Amendment 17**  
**Benedek Jávor**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Notes that, although the Agency became operational in 2005 it has to date worked on the basis of correspondence and exchanges with the host Member State and that a comprehensive headquarters agreement between the Agency and the Member State has not been signed;

*Amendment*

15. Notes that, although the Agency became operational in 2005 it has to date worked on the basis of correspondence and exchanges with the host Member State and that a comprehensive headquarters agreement between the Agency and the Member State has not been signed; **agrees therefore with the Court of Auditors that**

*such an agreement would further promote transparency in respect of the conditions under which the Agency and its staff operate;*

Or. en

**Amendment 18**  
**Tamás Deutsch**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Notes that, although the Agency became operational in 2005 it has *to date* worked on the basis of correspondence and exchanges with the host Member State *and that* a comprehensive headquarters agreement between the Agency and the Member State *has not* been signed;

*Amendment*

15. Notes that, although the Agency became operational *as early as* in 2005, *to present dates* it has *only* worked on the basis of correspondence and exchanges with the host Member State *rather than* a comprehensive headquarters agreement between the Agency and the Member State *which has never* been signed; *asks the authorities to remedy the situation and the Agency to include in its next annual report the implications of the missing agreement;*

Or. en

**Amendment 19**  
**Marco Valli**

**Motion for a resolution**  
**Paragraph 16 a (new)**

*Motion for a resolution*

*16a. Takes the view, in the light of the Lampedusa tragedy, when a Libyan vessel carrying migrants sank off the island of Lampedusa on 3 October 2013, claiming the lives of 366 people (a further 20 are still missing, presumed dead), and of the*

*Amendment*

*fact that more than 20 000 migrants are thought to have died in the Mediterranean between 2000 and 2013, that Frontex has failed to meet its objectives of saving human lives and combating illegal immigration, trafficking in human beings and terrorist infiltration;*

Or. it

**Amendment 20**  
**Marco Valli**

**Motion for a resolution**  
**Paragraph 16 b (new)**

*Motion for a resolution*

*Amendment*

*16b. Is concerned at allegations that the agency has taken part in operations conducted in breach of human rights; points out that the International Covenant on Civil and Political Rights stipulates that ‘everyone shall be free to leave any country, including his own’; calls for the agency to be held jointly liable with the Member States with which it cooperates in cases where joint operations are conducted in breach of fundamental rights;*

Or. it