



Plenary sitting

A8-0098/2018

26.3.2018

REPORT

on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Training (before 1 July 2016: European Police College) (CEPOL) for the financial year 2016
(2017/2163(DEC))

Committee on Budgetary Control

Rapporteur: Bart Staes

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1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Training (before 1 July 2016: European Police College) (CEPOL) for the financial year 2016 (2017/2163(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Union Agency for Law Enforcement Training for the financial year 2016,
- having regard to the Court of Auditors' report on the annual accounts of the European Union Agency for Law Enforcement Training for the financial year 2016, together with the Agency's reply¹,
- 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 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 20 February 2018 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0073/2018),
- 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 1605/2002³, and in particular Article 208 thereof,
- having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA⁴, and in particular Article 16 thereof,
- having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA⁵, and in particular Article 20 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

¹ OJ C 417, 6.12.2017., p. 47.

² OJ C 417, 6.12.2017, p. 47.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 256, 1.10.2005, p. 63.

⁵ OJ L 319, 4.12.2015, p. 1.

of the Council¹, 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 (A8-0098/2018),
1. Grants the Executive Director of the European Union Agency for Law Enforcement Training discharge in respect of the implementation of the Agency's budget for the financial year 2016;
 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 Union Agency for Law Enforcement Training, 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 328, 7.12.2013, p. 42.

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the closure of the accounts of the European Union Agency for Law Enforcement Training (before 1 July 2016: European Police College) (CEPOL) for the financial year 2016
(2017/2163(DEC))**

The European Parliament,

- having regard to the final annual accounts of the European Union Agency for Law Enforcement Training for the financial year 2016,
- having regard to the Court of Auditors' report on the annual accounts of the European Union Agency for Law Enforcement Training for the financial year 2016, together with the Agency's reply¹,
- 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 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 20 February 2018 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0073/2018),
- 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 1605/2002³, and in particular Article 208 thereof,
- having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA⁴, and in particular Article 16 thereof,
- having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA⁵, and in particular Article 20 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

¹ OJ C 417, 6.12.2017., p. 47.

² OJ C 417, 6.12.2017, p. 47.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 256, 1.10.2005, p. 63.

⁵ OJ L 319, 4.12.2015, p. 1.

of the Council¹, 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 (A8-0098/2018),
1. Approves the closure of the accounts of the European Union Agency for Law Enforcement Training for the financial year 2016;
 2. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Union Agency for Law Enforcement Training, 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 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 the European Union Agency for Law Enforcement Training (before 1 July 2016: European Police College) (CEPOL) for the financial year 2016
(2017/2163(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 Law Enforcement Training for the financial year 2016,
 - 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 (A8-0098/2018),
- A. whereas in the context of the discharge procedure, the discharge authority stresses the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
- B. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Police College (the “College”) for the financial year 2016 was EUR 10 291 700, representing an increase of 17,34 % compared to 2015 due to the grant agreement with the Commission on the EU/MENA Counter-Terrorism Training Partnership; whereas the entire budget of the College derives from the Union budget;
- C. whereas the Court of Auditors (the “Court”), in its report on the annual accounts of the College for the financial year 2016 (the “Court’s report”), has stated that it has obtained reasonable assurances that the College’s annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes that the budget monitoring efforts during the financial year 2016 resulted in a budget implementation rate of 95,95 %, representing an increase of 0,44 % compared to 2015; notes that the payment appropriations execution rate was 78,85 %, representing a slight decrease of 0,15 % compared to 2015;
2. Notes that following signature of the grant agreement with the Commission in 2005 on EU/MENA Counter-Terrorism Training Partnership, a budget of EUR 2 490 504 was agreed, out of which a second instalment of EUR 1 243 891 became available for commitments and payments; notes furthermore that 89 % of the available credits have been committed and 48 % of the available credits have been paid; calls on the College to report to the discharge authority on the external evaluation of that Partnership via its

¹ OJ C 113, 30.03.2016, p.107

2017 annual activity report;

3. Acknowledges that, at year-end, the College had paid 91 % of all its financial commitments on time, thereby exceeding the objective of 85 % of all payments being paid within the legally set timeframe; notes that no interest was charged by suppliers for late payments;
4. Notes that a number of staff brought a legal claim against the College disputing the conditions in which the relocation was carried out and its financial impact on their income; notes that an amicable settlement has been reached with some members of staff and the payments were made to this end in 2015 and 2016; notes furthermore that some members of staff appealed the court judgement, which is expected in 2018; calls on the College to report to the discharge authority on the outcome of the appeal;

Commitments and carry-overs

5. Observes that a total of EUR 1 477 288 was carried over to 2017, amounting to 17 % of the overall 2016 budget; notes that, according to the Court's report, the level of carry-overs of committed appropriations was high for Title II (expenditure for support activities) at EUR 140 055, i.e. 30 % (compared to EUR 212 456, i.e. 49 %, in 2015); acknowledges that these carry-overs mainly refer to IT consulting and IT related goods and services ordered late in the year;
6. Notes that carry-overs are often partly or fully justified by the multiannual nature of the agencies' operational programmes, and do not necessarily indicate weaknesses in budget planning and implementation and are not always at odds with the budgetary principle of annuality, in particular if they are planned in advance and communicated to the Court;
7. Notes that at the end of December 2016, the total 2015 budget implementation, including funds carried forward from 2015-2016, had reached 93 %;

Transfer

8. Notes that the College carried out nine budgetary transfers for the standard operational and administrative budget and 2 transfers on the authority of the executive director using the flexibility clause according to Article 27.1 (a) of the College's Financial Regulation;

Staff policy

9. Observes from the establishment plan that 25 posts (out of 28 posts authorised under the Union budget) were occupied on 31 December 2016, compared to 26 in 2015;
10. Notes with satisfaction the gender balance achieved by the posts occupied in 2016, since the ratio is 50 % female to 50 % male; notes, however, the gender balance ratio of 69 % to 31 % in the management board;
11. Observes that, as a consequence of the College's relocation from the United Kingdom to Hungary, and due to the significantly lower correction coefficient applied to staff

salaries in the new location, the number of resignations has increased; notes that a number of mitigating actions have been implemented; notes, however, that the low grading of posts combined with low correction coefficient does not encourage foreigners (especially from West and Northern Europe) to move to Hungary, and that as a result, the geographical balance of staff is not ensured; observes in this regard that in 2016, 30% of all College staff were Hungarian, which is a disproportionate number; notes with concern from the Court's report that the high staff turnover may impact business continuity and the College's ability to implement the activities foreseen in its work programme and points out this problem needs to be addressed; notes furthermore that the geographical balance of staff has an impact on staff cost, which led to the decision to transfer unused funds from Title 1 to Title 3 allowing the implementation of additional operational activities;

12. Notes that on average the staff of the College was on sick leave for 4,3 days in 2016; observes with some concern that staff did not spend even one day on well-being activities in 2016 and the only such event was organised after working hours; notes nevertheless that the College has in its answers to the discharge authority indicated that they have spent EUR 3 900 on well-being activities; calls on the College to further explain how this amount was spent;
13. Notes with satisfaction that the College has established a network of confidential counsellors, organised their training and also offered training on prevention of harassment to the staff; notes with satisfaction that there have been no harassment cases reported in 2016;
14. Expresses the need to establish an independent disclosure, advice and referral body with sufficient budgetary resources, in order to help whistleblowers use the right channels to disclose their information on possible irregularities affecting the financial interests of the Union, while protecting their confidentiality and offering needed support and advice;
15. Notes that the College doesn't use official vehicles;

Prevention and management of conflicts of interest, transparency and democracy

16. Acknowledges that the declarations of interest of senior management and of the Management Board Members have been published on the College's website; acknowledges from the College that its staff and other individuals directly collaborating with the College were requested to fill in a declaration of interest;
17. Notes that with regard to external remunerated experts, the College publishes on its website, as part of the annual list of contractors, the expert contracts awarded by the College; notes, however, that the declarations on conflicts of interest and confidentiality for the remunerated experts are not published on the website; acknowledges that the College will revisit its arrangements on the publication of such declarations; calls on the College to report to the discharge authority on the measures taken;
18. Notes that the College does not publish minutes of management meetings; calls on the College to make such minutes available on its website;

19. Notes that in 2016 the College received one request for access to documents, in response to which the College granted full access to the requested documents;

Main achievements

20. Welcomes the three main achievements identified by the College in 2016, namely:
- its receipt of ISO 9001 certification for two core business areas: residential activities and CEPOL Exchange Programme;
 - its completion of the necessary preparations for the implementation of its new mandate that came into effect on 1 July 2016;
 - its successful implementation of the EU/MENA Counter-Terrorism Training Partnership project;

Anti-fraud strategy

21. Notes with satisfaction that rules on fraud reporting and the protection of whistleblowers are embedded in the College's anti-fraud strategy;
22. Notes that a revised anti-fraud strategy is scheduled to be adopted by the Management Board in November 2017; calls on the College to report to the discharge authority on the revision of this strategy;

Internal Audit

23. Notes that in November and December 2016 the Internal Audit Service audited the College on 'Training Needs Assessment, Planning and Budgeting' with a focus on its core business activities; notes, moreover, that the draft audit report of March 2017 concludes that while the audit did not result in the identification of any critical or very important issues, the Internal Audit Service considers that there is room for improvement in the utilisation of the Justice and Home Affairs Training Matrix to avoid overlaps with training courses organised by other justice and home affairs agencies; considers that this issue should be addressed as soon as possible;

Performance

24. Notes that in 2016 the College's training portfolio encompassed 174 training activities, of which 87 residential activities and 87 webinars, 492 exchanges in the frame of the European Police Exchange Programme, 27 online modules, one online course; notes with satisfaction that for the sixth year in a row the outreach of the College has increased, resulting in the College training 18 009 law enforcement professionals in 2016 compared to 12 992 in 2015, representing an increase of over 38 %;
25. Notes that the College has a comprehensive assessment system in place to ensure the quality of its training portfolio; notes moreover that the course evaluation aims at assessing training efficiency, but also at measuring participants' satisfaction rates; notes that the overall satisfaction remained high, with 95 % of the participants stating they were very satisfied or satisfied with the College's activities;

26. Points out that the College has effectively delivered the expected products and services in accordance with its 2016 Work Programme;

Other comments

27. Notes that the five-year external evaluation of the College (2011-2015) was completed by the external evaluator in January 2016; notes with satisfaction that the external evaluator has assessed the College as being efficient and that his conclusion is supported by evidence of an increased number of activities implemented by the College over the evaluation period, against a relatively stable number of resources put at its disposal for the same period; notes, however, that the College's five-year evaluation report incorporated 17 recommendations; observes that the action plan was elaborated to address those recommendations and identified 31 actions to be implemented between mid-2016 and end-2018; is concerned that, based the five-year evaluation, there is a clear need for a significant reinforcement of the College with both human and financial resources;
28. Notes with satisfaction that the College has motion-sensor operated lights in the corridors to enable some energy saving, disagrees with the College that while in 2016 premises were made available to the College by the Hungarian authorities they were not involved in the running of the building and had no direct possibility to implement cost-effective or environment-friendly measures;
29. Notes with concern - given that time is increasingly short - that for the time being the College does not have sufficient information to allow a thorough preparation for carrying out future activities after Brexit; notes that Brexit will limit the College's access to United Kingdom law enforcement expertise and its ability to organise training with United Kingdom officials; notes that these aspects might negatively impact the development of common practices, information exchange and ultimately cross-border cooperation on fighting and prevention of crime; recommends that measures be implemented to maintain - at the least - the current level of cooperation; calls on the Commission and the College to update the discharge authority on Brexit-related risk management;
30. Notes that 2016 was the first full year of implementation of the 'EU/MENA Counter-Terrorism Training Partnership project'; welcomes the recognition of this project as a flagship project in the Union's cooperation with MENA countries on Counter-Terrorism;
31. Calls upon the College to implement without delay its aims to increase its online visibility and to further improve its website in order to make it even more relevant to its stakeholders and to better support the work of the College; recommends that the College better report on the impact of its activities, in particular on the security of the Union; recognises the efforts of the College in this direction;

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32. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of ... 2018¹ on the performance, financial management and control of the agencies.

¹ Texts adopted of that date, P8_TA-PROV(2018)0000.

19.2.2018

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 Agency for Law Enforcement Training for the financial year 2016
(2017/2163(DEC))

Rapporteur: Kostas Chrysogonos

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 the European Union Agency for Law Enforcement Training (CEPOL) fairly present its financial position on 31 December 2016 and that its transactions are legal and regular;
2. Points out that the budget and the staff of CEPOL increased by about 22 % in 2016; notes in that context that carry-overs of committed appropriations were a high for Title II (expenditure for support activities) at EUR 140 055, i.e. 30 % and mainly related to IT consulting and IT related goods and services ordered late in the year;
3. Notes the high staff turnover of CEPOL after its relocation from the United Kingdom to Hungary, recognises that this is due to the difference in salary correction coefficients and the low recruitment grades; notes in this regard that the Staff Regulations offer the necessary flexibility for labour market conditions prevailing in the Union to be taken into account when recruiting officials in order to address the specific needs of the institutions; encourages CEPOL to take long term actions to stabilise staff turnover especially in the ICT area;
4. Notes that the outreach of CEPOL has significantly increased in 2016 with the number of participants reaching 18 009 compared to 12 992 in 2015 (+38,6 %); highlights the quality of CEPOL products with 95 % of participants being very satisfied or satisfied; welcomes that the certification of CEPOL is in accordance with the Quality Management System Standard ISO 9001:2015;

5. Points out that the Agency has effectively delivered the expected products and services in accordance with its 2016 Work Programme;
6. Notes that 2016 was the first full year of implementation of the 'EU/MENA Counter-Terrorism Training Partnership project'; welcomes that this project is now recognised as a flagship project in the Union's cooperation with MENA countries on Counter-Terrorism;
7. Highlights that a total of 1.788 participants attended the Agency's residential courses, webinars and exchanges in the area of fundamental rights as reported in the Consolidated Annual Report 2016; encourages CEPOL to continue the implementation of trainings in these areas in an efficient manner; supports also the intention of CEPOL to continue the implementation of trainings and webinars to provide law enforcement officials with up-to-date information and best practice on identifying and investigating hate crimes and different forms of gender-based violence and to raise awareness about the challenges experienced by vulnerable social groups;
8. Deplores that the declarations of interest of CEPOL's experts are published on its website only for the top management and the Management Board members; encourages the aim of CEPOL to revisit its arrangements for collecting and publication of the experts' declarations of interest, with due consideration to personal data protection requirements;
9. Calls upon the Agency to adopt and implement without delay a clear and solid whistleblowing strategy and rules against "revolving doors" in line with the Union Staff Regulations;
10. Calls upon the Agency to implement without delay its aims to increase its online visibility and to further improve its website in order to make it even more relevant to its stakeholders and to better support CEPOL's work; recommends the College to better report effects of its activities, in particular on the security of the Union; recognises the efforts of CEPOL in this direction;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.2.2018
Result of final vote	+: 46 -: 5 0: 1
Members present for the final vote	Asim Ademov, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Frank Engel, Cornelia Ernst, Raymond Finch, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
Substitutes present for the final vote	Kostas Chrysogonos, Carlos Coelho, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Marek Jurek, Andrejs Mamikins, Angelika Mlinar, Jaromír Ština
Substitutes under Rule 200(2) present for the final vote	Georges Bach, Jonathan Bullock, Julia Reda, Francis Zammit Dimech

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

46	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Angelika Mlinar
ECR	Marek Jurek, Branislav Škripek, Helga Stevens
GUE/NGL	Malin Björk, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat
PPE	Asim Ademov, Georges Bach, Heinz K. Becker, Michał Boni, Carlos Coelho, Frank Engel, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Francis Zammit Dimech, Tomáš Zdechovský
S&D	Caterina Chinnici, Ana Gomes, Maria Grapini, Sylvie Guillaume, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Julia Reda, Judith Sargentini

5	-
EFDD	Jonathan Bullock, Raymond Finch
ENF	Lorenzo Fontana, Auke Zijlstra
NI	Udo Voigt

1	0
EFDD	Kristina Winberg

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	20.3.2018						
Result of final vote	<table><tr><td>+: </td><td>17</td></tr><tr><td>–: </td><td>5</td></tr><tr><td>0: </td><td>0</td></tr></table>	+:	17	–:	5	0:	0
+:	17						
–:	5						
0:	0						
Members present for the final vote	Nedzhmi Ali, Inés Ayala Sender, Zigmantas Bal ūytis, Dennis de Jong, Tamás Deutsch, Martina Dlabajová, Raffaele Fitto, Ingeborg Gräßle, C ŕ t ŕ lin Sorin Ivan, Jean-François Jalkh, Notis Marias, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Bart Staes, Indrek Tarand, Marco Valli, Derek Vaughan						
Substitutes present for the final vote	Brian Hayes, Karin Kadenbach, Julia Pitera, Miroslav Poche						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

17	+
ALDE	Nedzhmi Ali, Martina Dlabajová
PPE	Tamás Deutsch, Ingeborg Gräßle, Brian Hayes, Julia Pitera, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt
S&D	Inés Ayala Sender, Zigmantas Balutis, Cătălin Sorin Ivan, Karin Kadenbach, Miroslav Poche, Derek Vaughan
VERTS/ALE	Bart Staes, Indrek Tarand

5	-
ECR	Raffaele Fitto, Notis Marias
EFDD	Marco Valli
ENF	Jean-François Jalkh
GUE/NGL	Dennis de Jong

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention