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## TEXTS ADOPTED

*Provisional edition*

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### **P8\_TA-PROV(2018)0162**

#### **Discharge 2016: European Police Office (Europol)**

##### **1. European Parliament decision of 18 April 2018 on discharge in respect of the implementation of the budget of the European Police Office (Europol) for the financial year 2016 (2017/2169(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Police Office for the financial year 2016,
- having regard to the Court of Auditors' report on the annual accounts of the European Police Office for the financial year 2016, together with the Office'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 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council recommendation of 20 February 2018 on discharge to be given to the Office in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0079/2018),
- 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 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)<sup>4</sup>, and in particular Article 43 thereof,
- having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement

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<sup>1</sup> OJ C 417, 6.12.2017, p. 223.

<sup>2</sup> OJ C 417, 6.12.2017, p. 223.

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

<sup>4</sup> OJ L 121, 15.5.2009, p. 37.

Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA<sup>1</sup>, and in particular Article 60 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 of the Council<sup>2</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 (A8-0109/2018),
1. Grants the Executive Director of the European Union Agency for Law Enforcement Cooperation discharge in respect of the implementation of the Europol'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 Cooperation, 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 135, 24.5.2016, p. 53.

<sup>2</sup> OJ L 328, 7.12.2013, p. 42.

## **2. European Parliament decision of 18 April 2018 on the closure of the accounts of the European Police Office (Europol) for the financial year 2016 (2017/2169(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Police Office for the financial year 2016,
- having regard to the Court of Auditors' report on the annual accounts of the European Police Office for the financial year 2016, together with the Office'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 2016, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council recommendation of 20 February 2018 on discharge to be given to the Office in respect of the implementation of the budget for the financial year 2016 (05941/2018 – C8-0079/2018),
- 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 1605/2002<sup>3</sup>, and in particular Article 208 thereof,
- having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)<sup>4</sup>, and in particular Article 43 thereof,
- having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA<sup>5</sup>, and in particular Article 60 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 of the Council<sup>6</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

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<sup>1</sup> OJ C 417, 6.12.2017, p. 223.

<sup>2</sup> OJ C 417, 6.12.2017, p. 223.

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

<sup>4</sup> OJ L 121, 15.5.2009, p. 37.

<sup>5</sup> OJ L 135, 24.5.2016, p. 53.

<sup>6</sup> OJ L 328, 7.12.2013, p. 42.

the Committee on Civil Liberties, Justice and Home Affairs (A8-0109/2018),

1. Approves the closure of the accounts of Europol for the financial year 2016;
2. Instructs its President to forward this decision to the Executive Director of the European Union Agency for Law Enforcement Cooperation, 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).

### **3. European Parliament resolution of 18 April 2018 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Police Office (Europol) for the financial year 2016 (2017/2169(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the European Police Office (Europol) 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 (A8-0109/2018),
- A. whereas in the context of the discharge procedure, the discharge authority stresses the particular importance of further strengthening of the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of the performance-based budgeting and good governance of human resources;
- B. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Police Office (“Europol”) for the financial year 2016 was EUR 104 274 784, representing an increase of 9,27 % compared to 2015; whereas the increase was due to new or additional tasks which expanded the mandate of Europol; whereas Europol’s budget almost entirely derives from the general budget of the Union;
- C. whereas the Court of Auditors (“the Court”), in its report on the annual accounts of the European Police Office for the financial year 2016 (“the Court’s report”), has stated that it has obtained reasonable assurance that the Europol’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 2016 resulted in a high budget implementation rate of 99,75 %, indicating that commitments were made in a timely manner; notes that the payment appropriations execution rate was 90,98 %, indicating an increase of 1,98 % compared to 2015;

#### ***Commitments and carry-overs***

2. Notes that, according to the Court’s report, the carry-overs of committed appropriations for Title II (administrative expenditure) were high at EUR 3 500 000 (39 %), compared to EUR 4 200 000 (41 %) in 2015; notes that those carry-overs mainly concerned Europol’s headquarters, which were only invoiced by the host state in 2017 (EUR 2 000 000); notes that Europol will continue its efforts to ensure efficient and compliant budget implementation, in particular concerning carry-overs in relation to administrative expenditure; notes that due to the work regarding Europol’s headquarters, performed under the authority of the host state as an external party, the handling of building-related costs is also expected to be spread across financial years in the future; notes that this is due to the inherent administrative set-up whereby Europol

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<sup>1</sup> OJ C 84, 17.3.2017, p.172

receives the related invoices after the host state has liaised with contractors at the national level;

3. Notes that carry-overs are often partly or fully justified by the multiannual nature of the agencies' operational programmes, 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 by Europol and communicated to the Court;

### ***Transfers***

4. Notes that a total number of 48 transfers were made for a total amount of almost EUR 4 960 000 (4,9 % of the budget); notes furthermore that some transfers were necessary in order to take into account differences between the planning and the implementation of the budget due to urgent situations in certain crime areas, for instance activities related to hotspots; notes that transfers made in order to temporarily cover grant expenditure under the regular budget, due to the late cashing of the pre-financing amount of the grant agreement, were then reversed when the pre-financing was received;

### ***Procurement and staff policy***

5. Notes that at the end of 2016 the total number of staff employed by Europol was 655, consisting of 505 staff in the establishment plan, 146 contract agents and 4 local staff; notes furthermore that the number of non-Europol staff (seconded national experts, liaison officers and staff of the liaison bureaus, trainees and contractors) was 452; notes that in 2016 Europol hired 145 new staff (104 temporary agents and 41 contract agents) and that 86 staff left Europol (64 temporary agents and 22 contract agents);
6. Deeply regrets that having regard to the total number of posts occupied on 31 December 2016, gender balance has not been achieved since the ratio is more than two to one - 32,4 % female to 67,6 % male - and that, even more alarming, female staff represented only 14 % in senior specialist / senior analyst positions and that moreover, with the worst ratio of all, the percentage of female staff in business manager and equivalent or higher positions was only 6,1 % (two members of staff); calls on Europol to be more proactive and to take the gender balance issue into account as a matter of urgency when recruiting new staff and to inform the discharge authority during the next discharge procedure of the progress made at the end of 2017;
7. Notes that in April 2016 Parliament adopted an amending budget resulting in the reinforcement of the staffing levels of Europol's European Counter Terrorism Centre by increasing the budget by EUR 2 000 000 and adding an additional 35 posts (25 temporary agents, 5 contract agents and 5 seconded national experts);
8. Notes with satisfaction that Europol's staff spent an average of only 1,2 % of the working days in 2016 on sick leave; observes that the number of days spent per member of staff on wellbeing activities in 2016 was less than one day; notes that Europol did not name different wellbeing activities put in place in 2016, as requested by Parliament, but reported on the costs spent per staff on the medical provider and related costs; calls on Europol to provide an overview of sick leave counted in days;

9. Notes with satisfaction that Europol has established a network of 10 confidential counsellors as a part of the policy on protecting the dignity of the person and preventing psychological and sexual harassment; notes moreover that Europol held awareness session programmes, provided standard information on harassment on its intranet and introduced a programme for newcomers which included a presentation on health and wellbeing during which the harassment policy and the network of confidential counsellors were explained;
10. Notes that in 2016 one informal and one formal procedure (request for assistance) were initiated regarding harassment; notes that the single formal procedure led to the opening of an administrative inquiry/internal investigation which did not confirm the existence of harassment; observes that, accordingly, no case was brought before the Court of Justice of the European Union;
11. Notes that Europol uses official vehicles but does not allow for their private use;

### ***Internal controls***

12. Notes that in 2016 risk management activities in Europol focused on addressing audit requirements identified by the Court, in particular the annual accounts, the delegation agreement and the closure of the Europol Pension Fund; notes moreover that risk activities also included monitoring the risks affecting the core business objectives set for the 2016 Work Programme, in particular in relation to the new task of on-the-spot deployments for secondary security checks and the insourcing of the final deployment of the Europol Analysis System; notes that by the end of 2016 Europol's corporate risk log contained 16 high or critical risks, which represents 4 additional corporate risks compared to the status recorded at the end of 2015;
13. Notes that the Internal Audit Function carried out a review of the implementation of the Internal Control Standards in Europol in the first semester of 2016; notes that Europol prepared an action plan to address 15 out of the 40 recommendations by the end of 2016 and that, out of those recommendations, 20 were graded as "very important" and one was considered "critical", namely a recommendation related to the adoption of an anti-fraud strategy, which was endorsed by the management board on 31 January 2017;

### ***Internal audit***

14. Notes that 83 % of all audit recommendations by the Court, the Internal Audit Service (IAS), the Europol Joint Supervisory Body, the Commission's data protection officer, and the Internal Audit Function, graded as "critical" or "very important", were addressed in 2016, representing an increase of 12 % compared to 2015;
15. Notes that in October 2016 the IAS performed an audit on procurement, for which the draft audit report was not issued at the end of 2016; calls on Europol to report to the discharge authority on the results of that audit;

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

16. Notes that on 1 May 2017 the management board adopted rules for the prevention and management of conflicts of interest in respect of its members, including in relation to their declarations of interests; notes with regret that Europol's approach has been to declare that there are no conflicts of interest; notes with concern that the management board members have continued to publish declarations of absence of conflicts of

interest; calls on the management board members to publish their declarations of interests, instead of declarations of absence of conflicts of interest, in which they list their membership of any other organisations; stresses that it is not for the management board members to declare that they have no conflicts of interest; notes that management board members and alternate members have been invited to complete, sign and submit their declarations of interests together with their CVs by 15 December 2017 for subsequent publication on Europol's website; welcomes the publication of the management board members' CVs on Europol's website; calls on Europol to report back to the discharge authority if management board members have actually published their declarations of interests by the set deadline;

17. Notes that in 2016 Europol received 107 requests for access to documents (related to 138 documents) and that Europol granted full access to 39 documents, partial access to 20 documents and refused access to 79 documents; calls on Europol to be as open as possible in addressing those requests, bearing in mind the legal constraints but also the duty of openness and transparency;
18. Notes that Europol launched an additional 'ethics package' communication campaign in October 2017 to raise awareness among all Europol staff and seconded national experts about the updated versions of Europol's Code of Conduct and guidance documentation on the handling of gifts, conflicts of interest and whistleblowing; notes with satisfaction that the guidance on whistleblowing underlines the fact that Europol is committed to protecting the identity of whistleblowers; welcomes the publication of the guidance on whistleblowing arrangements on Europol's website; asks Europol to provide details on whistleblowing cases in 2016, if any, and how they were handled;
19. 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;
20. Welcomes the adoption by the management board of an anti-fraud strategy for the period 2017-2018;

### ***Main achievements***

21. Welcomes the three main achievements identified by Europol in 2016, namely:
  - the establishment of the European Counter Terrorism Centre and the European Migrant Smuggling Centre, including the on-the-spot deployment of staff to perform over 4 800 secondary security checks in migration hotspots by the end of 2016; notes that over 270 counter-terrorism operations were supported by Europol, which represents more than a twofold increase compared to the entirety of 2016 (127 counter-terrorism operations in 2016);
  - the pioneering of innovative investigative support tools: the Europe's Most Wanted Fugitives website in 2016 with, as of November 2017, information on 115 fugitives published, 41 high-profile fugitive arrests, including 13 arrests due to the launch of the website; notes that Europol's Cybercrime Centre (EC3) deployed a new Image and Video Analysis Solution to facilitate, in particular, the



identification of child victims of sexual exploitation, including, in 2017, the support given by Europol to 38 unique operations against online child sexual exploitation;

- the adoption of Regulation (EU) 2016/794<sup>1</sup> in May 2016, with applicability from 1 May 2017, to introduce enhanced arrangements on Parliament oversight and an improved operational support mandate;

### ***Other comments***

22. Notes with satisfaction that in cooperation with Eurojust, Europol has formalised a combined approach for the ISO14001/EMS Certification; notes that Europol has put in place numerous measures to ensure a cost-effective and environmentally friendly workplace and to further reduce or offset CO<sub>2</sub> emissions;
23. Notes with satisfaction that Europol continued to cooperate with a number of international partners as well as other Union agencies and bodies and that, in particular in light of the migration crisis, Europol further strengthened its cooperation with Frontex;
24. Notes that, according to Europol, there are substantial financial and operational risks due to the Brexit; calls on Europol to remain proactive in identifying and addressing those risks and to keep the discharge authority fully informed of the future impact of Brexit on Europol and to work in close cooperation with the Commission regarding Brexit negotiations in order to be sufficiently prepared to minimise any negative operational or financial impact that may occur;
25. Regrets that the Europol's review for the period 2016-2017 was only published on Europol's website on 23 January 2018, five days after the deadline for tabling amendments to the report on discharge of the Parliament's Committee on Civil Liberties Justice and Home Affairs; calls on Europol to publish its annual reviews in time for future discharge procedures in order to allow the discharge authority to perform its work in a fully informed manner;
26. Notes the ever-increasing demand for Europol's services from Member States; regrets, in that context, the fact that the tight ICT resources available have resulted in a re-prioritisation of core systems development activities, project delays and have also triggered an exploration of further outsourcing possibilities with the increased risks that that implies;

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27. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 18 April 2018<sup>2</sup> on the performance, financial

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<sup>1</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

<sup>2</sup> Texts adopted, P8\_TA-PROV(2018)0133.

management and control of the agencies.