

2019 Discharge of the EU decentralised agencies

Answers to the written questions

Hearing on 7 January 2021

II. QUESTIONS TO BE ANSWERED BY INDIVIDUAL AGENCIES

ACER

Replies to written questions

Ljubljana, 11 December 2020

Ms. Monika HOHLMEIER

Chair of the CONT Committee

European Parliament

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CONT Secretariat

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By e-mail only

Subject: 2019 Discharge of the EU decentralised agencies – Questions to ACER

Dear Ms. Hohlmeier,

In relation to the 2019 Discharge of the EU decentralised agencies, please find attached the replies to the questions addressed by the European Parliament to the Agency for the Cooperation of Energy Regulators.

I remain at your disposal for any further information you may need.

Yours sincerely,



Christian Zinglensen

Director

Discharge report 2019 – Questions addressed to the European Union Agency for the Cooperation of Energy Regulators (ACER)

1. In the Annual Report on EU Agencies for the financial year 2019, the ECA issued a qualified opinion based on two irregular procurement procedures where the Agency had failed to carry out appropriate competitive procurement procedures.

a) Could the Agency describe the main problem and if any measures were/will be taken to prevent this situation from happening in the future?

ACER's reply

Summary of main issues

The main issue identified by the European Court of Auditors refers to a specific aspect concerning the implementation of the Regulation on the integrity and transparency of wholesale energy markets (REMIT).¹

More specifically, through specific contracts within a framework contract in place, the Agency ordered services that were not originally on the price list. The error mainly relates to the higher usage of goods/services from 'out of price list' in a EUR 20m value contract for information technology services.

The framework contract at stake was concluded for IT system integration services and IT consultancy services and covered, inter alia, service desk, infrastructure and operations, software development and maintenance, project and service management, as well as application management services over a period of up to 8 years. When ACER procured the relevant framework contract, the Agency was of the opinion that the nature of the services under this contract did not enable an all-inclusive list of services and products, since the services depended on the technical solutions offered by the contractors. The Agency included in the tender specifications, therefore, the option for 'out of price list' services and products to be able to cover the full scope required, thus complementing the main services and products, where needed. Before accepting the offers from the supplier, the Agency performed market researches to ensure that the prices of the goods/services offered were aligned to the market

¹ Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency.

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and the Agency was not overcharged, even though this research was not formally documented in the procurement files.

It should be noted that the market surveillance framework introduced by REMIT is unprecedented worldwide in terms of its geographical and product scope, and its implementation has posed a formidable challenge for the Agency, National Regulatory Authorities (NRAs), market participants - which have to report trade data - and other stakeholders - responsible for reporting fundamental data. The central role given to the Agency in the implementation of REMIT contributes to cost-savings at the Member States level as concerns data collection, efficient and effective market surveillance of suspicious transactions in evolving, further integrating wholesale energy markets and ensuring the consistent application of market abuse provision by NRAs. The Agency's vigour to do so depends on the availability of expert staff and financial resources.

The error has to be seen also in the context of serious underfunding of ACER over several years causing an accumulated IT investment need, which could only be satisfied thanks to an extraordinary budget transfer from the European Commission. Whilst it would have been regular if ACER had been in the position of distributing the 'out of price list' services over several years and several specific contracts, the previous underfunding and urgent investment need in 2019 made the accumulated use of 'out of price list' services in the specific contracts at stake irregular. By way of background, the [European Court of Auditors' report on the future of EU Agencies](#), which was published also on 22 October 2020, acknowledges the aforementioned underfunding of ACER.

Nevertheless, the Agency fully acknowledges the error observed by the European Court of Auditors and has taken measures to prevent occurrence of future similar incidents. Upon receiving the ECA report, the Agency also took steps to communicate externally the issue identified, as well as ACER's approach to the matter. This communication, with additional background information on the issue, can be found on the Agency's website ([ACER's view on the most recent report of the European Court of Auditors, rendering a so-called qualified opinion on ACER's annual accounts for 2019](#)).

The second issue (entailing a much lower sum) identified by ECA concerns a contract for the regular maintenance of the Agency's Data Centre within the multi-tenant building in which the Agency's premises are located. The Agency had used the same contractor when signing its rental contract that included, as a part of the fitting-out, also constructing and equipping the Data Centre. Taking into account the preference of the building's landlord to have only one contractor performing electrical and telecommunication works in the building for all its tenants,

the Agency contracted the same provider for the regular maintenance of its Data Centre without launching a new competitive procedure. The Agency acknowledges the error and has taken measures to prevent the re-occurrence of such cases.

Details on first procurement procedure

In December 2017 and January 2018 respectively, as the outcome of an open procurement procedure no. ACER/OP/MIT/10/2017, the Agency concluded framework contracts (FWCs) in cascade for the provision of IT System Integration services (LOT 1) to manage and maintain the existing Agency's IT infrastructure and applications related to REMIT. The maximum value of the FWCs amounts to € 20 million and is for a duration of 8 years. The FWCs include the provision for ordering out of price list products/services which are essential for the performance of a specific contract (e.g. to get a fully working system), but which were not listed in Annex II – Financial offer. The only requirement for using out of price list products/services was that the contractor submits, as part of the offer, a detailed description of the out of price list products/services with a clear indication of all the costs related to implementing and operating such products/services, without any additional restrictions on the use.

At the time the open procurement procedure was launched, the Agency was not able to detail an all-inclusive list of services and products, since services as such as (i.e. system integrator) depend on the technical solutions offered by the contractors. The purpose of the out of price list services/products was to ensure that the full scope of services required would be met, in view that the out of price list services/products would be used to complement the main services, where needed.

On 19/12/2018 the Agency concluded a specific contract ACER/OP/MIT/10/2017/LOT 1/SC03 (implementing FWCs in cascade mentioned) with the total value € 169,988.34 where the out of price list products/services amounted to 100% of the total value of the specific contract.

On 15/10/2019 the Agency concluded a specific contract ACER/OP/MIT/10/2017/LOT 1/SC05 (implementing FWCs in cascade mentioned) with the total value € 1,015,999.93 where the out of price list products/services amounted to € 821,009.93 and thus representing 80.81% of the total value of the specific contract.

On 16/04/2020 the Agency concluded a specific contract ACER/OP/MIT/10/2017/LOT 1/SC06 (implementing FWCs in cascade mentioned) with the total value € 344,499.86 where the out of price list products/services amounted to € 334,765.50 and thus representing 97.27% of the total value of the specific contract.

All contracts in question included out-of-price list services/products such as equipment, licenses/subscriptions and vendor support that was required for the renewal or regular maintenance of REMIT IT infrastructure; thus these were considered essential for the performance of contracts in question so as to ensure that the full scope of services required would be met.

Further, for the specific contracts SC05 and SC06, the Agency undertook a market research for the market prices of products offered as out of price list, namely after receiving the offers and prior to concluding the specific contracts; and recorded the findings in notes to the file. For specific contract SC03 the price was checked against past orders for the same products/services (i.e. licenses, vendor support fees/subscriptions) which are ordered in the past on a regular annual basis.

Based on the market researches performed, the Agency concluded that the prices offered for the out of price list services/products in all cases were aligned with market prices.

On 22 October 2020 ECA published the Report on the annual accounts of the European Union Agency for the Cooperation of Energy Regulators (ACER) for the financial year 2019 with the following opinion related to payments under the FWC in question:

The costs of items audited under specific contract 3 in lot 1, were not in fact covered by the competitive procurement procedure. In other words, they were not covered by the price lists of the bids submitted for the contract. Within the framework contract, the effect of this was particularly evident in lot 1, where payments for items not covered by the competitive procedure amounted to 61.3 % of all payments made under the lot. In such cases, the Agency is required under the Financial Regulation to re-open the competition and conclude a specific contract. In this case, it failed to do so. The specific contracts under lot 1 of the FWC that were concluded so far are therefore irregular.

The Agency acknowledged ECA's observation of not respecting the Financial Regulation in relation to the use of out of price list services/products under the framework contract in question, namely not running a competitive procurement procedure.

In order to rectify the situation the Agency took into consideration the following immediate options:

- To terminate the ongoing specific contract SC06.

Article I.11 'Termination by either party' of the framework contract allows the possibility to terminate a specific contract. However the article in question states that the contractor is entitled to payment only for the services provided before termination takes effect. The contract

included services/products (i.e. licenses, hardware, etc.) which were ordered by the contractor at the time the specific contracts were signed. Therefore terminating the specific contract would result in the Agency being obliged to pay for these services/products.

- To amend the framework contracts so as to include the possibility for the reopening the competition for the out of price list purchases.

However, this would lead into altering substantially the original procurement documents which would require a new award decision based on a new procurement procedure.

In view of the above the Agency decided to record all specific contracts as a procedural incident.

Details on the second procurement procedure

In July 2013, the Agency concluded a rental contract that included, as a part of the fitting-out, also constructing and equipping a Data Centre. The Agency concluded in 2015 a contract with the same service provider for the regular maintenance of this Data Centre.

Considering these and also taking into account the preference of the landlord to have only one contractor performing electrical and telecommunication works in the building for all its tenants, the Agency contracted the same provider for the regular maintenance of its Data Centre also in 2019. The Agency did not analyse other possibilities that the market offers in the area of maintenance of the Data Centre.

During its audit of the Agency ECA concluded that:

- there was no legal requirement to use the specific contractor that was awarded the contract.
- the Agency did not carry out a competitive procurement procedure before signing the direct contract, nor did it carry out any market research.
- that the procedure was not in compliance with the Financial Regulation, and was thus irregular. Payments made under this contract in 2019 amounted to 12 430 euros

In view of the above the Agency decided to terminate the contract in question and launch a middle value negotiated procurement procedure in the course of 2020.

b) What are correction mechanisms once audit founds mistakes in public procurement?

ACER's reply

First procurement procedure

Measures put in place in order to prevent occurrence of future similar incidents:

- ✓ Following ECA preliminary observations of the 2019 audit, the Agency analysed in detail the out of price list purchases in all ongoing specific contracts, related to the Regulation on wholesale energy market integrity and transparency (REMIT), as well as all requests for services that have been launched in the period from June 2020 onwards, where the out of price list services/products were ordered or were/are planned to be ordered.
- ✓ The Agency prepared an action plan to monitor the status of the out of price list orders (i.e. already ordered or planned) with the aim to limit the ordering of out-of-price list products/service to the extent possible. Any future order potentially including out-of-price list products/services will be checked against the action plan. The implementation of the action plan will be regularly monitored by the management of the Agency.
- ✓ For future orders the Agency will continue to check whether any out of price list services/products can be ordered under the current DIGIT² framework contracts, taking into account the ceilings available to the Agency.
- ✓ In case no suitable DIGIT framework contract is found the Agency will consider launching new procurement procedures to cover specific needs, which have been ordered as out of price list services/products in the past but are of recurring nature (e.g. digital certificate services, disaster recovery site).
- ✓ The Agency is committed to minimising the use of the out of price list to the extent possible (with the aim to bring it below 10% of the value of each specific contract), taking into account the fact that this will be a long term process in view of the ongoing contracts which in most cases have a duration of one year and have been signed either in 2019 or 2020 and thus have not been a part of the audit performed by ECA in 2019.
- ✓ The Agency will report the irregularity recorded in the 2020 Consolidated Annual Activity Report.

² The EU Commission's department for informatics.

Second procurement procedure

- ✓ As a mitigating measure, the Agency terminated the current contract and in parallel launched a middle value negotiated procurement procedure.
- ✓ This action was concluded with the award of a new contract signed on 26 November 2020 that complies with the Financial Regulation.

c) Could you specify the amount resulting from incorrectly carried public procurements?

ACER's reply

The total amount of the first procurement procedure for 2019 and 2020 combined is 1,530,488.13 EUR.

The total amount of the second procurement procedure for 2019 and 2020 combined is 9,000 EUR.

The total amount paid out irregularly by ACER in 2019 was 988,138 EUR. This represents 6.3% of all payments made by ACER in 2019. These irregular amounts exceed the materiality threshold set for the audit in question. Such an error observed by the European Court of Auditors is not a measure of fraud or waste of money, but an estimate of irregular spending against the rules.

2. In the follow-up on the Discharge for 2018, the Agency says that it "is striving to increase its activity on its social media, most notably Twitter and LinkedIn, to communicate with the wider public". What progress has been made?

ACER's reply

Progress achieved

The Agency is committed to better strategize its communication activities and outreach. Among the various activities undertaken to meet this goal, ACER is building a stronger social media presence – both by improving online communication with the aim to enlarge the Agency's network and to make its work more accessible to a broader scope of stakeholders.

In the past year, the overall usage of social media (Twitter, LinkedIn and Facebook) has been enlarged, harmonised and systematised.

To this purpose the Agency has worked on making ACER's social media presence more attractive and visually appealing. Whenever possible, pictures, info graphics, or links to important deliverables are used. Additionally, the language was adapted to a more engaging,

less protocol-like style, making its content more informative for a less specialised audience.

The usage of hashtags is also being standardised, ensuring higher visibility.

In terms of practical applications, the above is particularly evident on ACER's Twitter account; which remains the main social media channel. Its usage improved by increasing the number and frequency of posts, as well as providing more strategic messaging and visual elements (pictures, infographics, icons).

Since early 2020, the usage of LinkedIn has been expanded. The page was revamped to host not only HR content (mostly advertising new vacancies), but also to communicate the Agency's core work (deliverables and various achievements) and to invite professionals to engage with ACER (via events, questions, instant messaging, etc.). As such, LinkedIn is not fully mirroring the content posted on Twitter, but mostly highlighting call for actions and key initiatives. As LinkedIn does not impose any character limits, the page allows for more in-depth analyses in its posts.

ACER's Facebook page remains focused on HR matters and "lighter" announcements (e.g. holidays wishes, fun facts, etc.). Because of the Agency's highly specialised domain and target pool, ACER stakeholders are less likely to use Facebook for professional purposes; while it remains a valid tool to attract candidates for new job openings or showing the Agency's "human" side. In this respect, the initiative "Meet our Staff" was revamped. The initiative aims at presenting ACER staff in an informal setting, by regularly posting a short interview and their picture, highlighting what they like about living in Ljubljana and working for ACER.

While the Agency's social media accounts were mainly used as a one-to-many communication tool in the past, ACER is working on making its communication more interactive. The Agency is not (yet) participating in conversations and discussions, but actively tagging and retweeting other accounts – thus building reciprocal relationships with other institutions. This strategy helps in building ACER's network and reaching a broader audience, as well as in unifying communication strategies for collaborative events.

This effort on social media has consequentially resulted in a network increase. ACER's Twitter followers rose from 804 in September 2019 to 1679 in November 2020. The LinkedIn follower count rose from 2900 in September 2019 and reached 4843 in November 2020. ACER's Facebook page increased from 390 followers in September 2019 to 443 followers in November 2020. The number of tweets and LinkedIn updates has also increased, with dedicated threads for important events or publications.

The Agency will strive to further enhance its presence on social media in the coming years.

BEREC

Replies to written questions

To
The Committee on
Budgetary Control (CONT)
European Parliament
Via its Secretariat
e-mail: cont-secretariat@europarl.europa.eu
by email only

Riga, 11 December 2020

Subject: *replies to the individual written questions addressed to the BEREC Office by the CONT Committee in relation to the 2019 discharge of the EU decentralised agencies.*

Dear Members of the European Parliament,

I would like to address you in relation to the written questions submitted by CONT to the Agency for Support for BEREC (BEREC Office) for the hearing on the discharge in respect of the implementation of the budget of the EU decentralised agencies for the year 2019, planned for 7 January 2021.

I would like herewith to provide you with the BEREC Office replies, which are presented after each question below by indicating the original number of the question in the CONT questionnaire, as follows:

Question:

'17. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularities.

Could BEREC describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?'

BEREC Office reply:

The BEREC Office recognised in its reply to the observation of the European Court of Auditors (ECA) that there were some weaknesses related to handling and document management related to procurement in 2018.

In particular, in 2018, due to limited resources, the BEREC Office was using a decentralised model of procurement, in which each staff member who need to procure goods or services was acting as a procurement project manager for the whole procurement procedure. In many

instances the procurement project manager did not have sufficient experience to cope with the complexity of the EU procurement rules. The use of electronic tools for procurement was not introduced at that moment of time either, which resulted in some missing documentation or overlooking of received tenders, which could put at risk of courts caused the conclusion of contracts by the Agency.

These factors, combined with the heavy workload for staff in preparation for implementation of the Agency new mandate effective as of December 2018¹, resulted in the deficiencies emphasised by the ECA in the audit findings.

To overcome these weaknesses, as a first step, in March 2019 the BEREC Office introduced the use of eSubmission to ensure that economic operators can submit tenders electronically and that all of them are opened simultaneously. The usage of the eSubmission minimises the risks of lost associated with the paper submission of tenders.

Second, as a results of internal redistribution of assignments between the staff, which was allowed by the increased number of staff at the Agency in 2019², as of 01/07/2019 the BEREC Office introduced centralised procurement model, according to which as a general rule the procurement procedures, including reporting of competition under framework contracts, is managed by the procurement officers. Exception is made only for very-low value negotiated procedures (with current threshold up to kEUR 15), for which the responsible staff member may act also as procurement project manager, provided that (s)he has sufficient knowledge to manage the procedure. This exception is justified by the fact that for this type of procedure the documentation is simplified.

The BEREC Office management is closely monitoring the processes for which the auditors have identified weaknesses, including as part of its internal risk management procedure, and is ready to take corrective actions, if this would prove to be needed.

In particular, in 2019 the BEREC Office organised two internal workshops dedicated to the centralised procurement in order to identify any issues and possible areas for improvement.

The new centralised mode of procurement was audited by the Commission Internal Audit Service (IAS) in September 2019 and the conclusion of the audit was that all processes are fit for purpose. In particular, the IAS emphasised in its report, issued in early 2020, that “..... the management and internal control system set up by the BEREC Office for the procurement process and the reimbursement of missions are adequately designed and efficiently and effectively implemented.”.

These audit conclusions, as well as the performance in 2020 so far, have been reassuring for the management that the previous weaknesses in the BEREC Office procurement have been properly addressed and overcome.

¹ At that moment the Agency had 28 persons of staff (14 establishment plan posts, 10 contract agents and 4 seconded national experts).

² In 2019 the total number of staff was increased from 28 to 40 posts, splits as follows: 16 establishment plan posts, 18 contract agents and 6 seconded national experts) to address the new Agency mandate defined in Regulation (EU) 2018/1971.

Question:

'18. In the follow-up Discharge 2018 report, the Agency says that "The BEREC Office signed in 2019 SLAs for sharing of IT services and capacities also with EUIPO and a group of Joint Undertakings and that the first cooperation activity performed under the SLA was the functional and architecture analysis of BEREC and the BEREC Office website."

What are the next planned activities?'

BEREC Office reply:

The first activity was to conduct the functional and architecture analysis of our website solution to understand sustainability and risks. It was concluded with help of EUIPO and the final report was submitted in 17.02.2020.

Currently, we are in the detailed analysis phase, where we are describing with help of supplier business requirements and IT architecture requirements of the new solution. By 05.03.2021, a detailed design document of the new backend solution will be ready.

In a parallel process, we will deploy website CMS (content management system) prototype for analyses purposes.

Based on analyses result we will define the scope of the new solution (April 2021), which will include functional and technical requirements.

The agreement on the hosting services with EUIPO (where the website will be stored) will be part of the website support agreement.

After finishing, the design document we will start the development phase (April 2021) and in parallel migrate website content (text, documents videos and other files). According to the schedule, this should be finalized in September 2021.

In October 2021 a UAT (user acceptance tests) will be performed, where BEREC Office employees with the help of supplier will test the developed solution. As a next step, the user training of new solution is envisaged for November 2021. The last step is the website transfer to operations, which includes support of website agreement signing and launch of new solution.

I remain at your disposal in case of any further need for additional information.

Yours sincerely,

(e-signed)

László IGNECZI

Director of the BEREC Office

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BEREC Office Advisory Group (BAG), via its Chairperson

CDT

Replies to written questions

2019 Discharge of the EU decentralised agencies

WRITTEN QUESTIONS TO THE AGENCIES

Hearing on 7 January 2021

II. QUESTIONS TO BE ANSWERED BY INDIVIDUAL AGENCIES

CDT

1. According to the Annual Report on the Agencies 2017, the ECA concluded with its opinion that CdT's capacity is not being used to full, that systems' development and running costs are being duplicated and that CdT's business model and continuity could be at risk.

a) Is this still a problem or was there any development in this area?

Following an external study conducted in 2017/2018 on the Centre and in close collaboration with the Commission, the Centre considered various courses of action and embarked on a two-year transformation plan aimed at adapting its business model.

Recently, the Centre tailored its service delivery approach from an 'one-size-fits-all' to a more holistic one by offering bespoke services that address the specific needs of its clients. An illustration of this fruitful approach is the agreements signed with EPPO and REA. Normally, if the Centre had continued to apply the usual working methods and delivery of service, it would have never acquired new markets and work volumes. The result of this intense investment in adapting the working methods and creating new services augurs a brighter future for the Centre.

b) What measures have been taken to avoid the described situation?

The Centre made a proposal to the Commission to review the current standard clause of founding acts when an agency or body is created or when an agency regulation is amended from *"The Translation services required for the (Agency's) functioning shall be provided by the Translation Centre"* to *"Translation and all other linguistic services required by the (Agency), other than interpretation, shall be provided by the Translation Centre"*.

Through this change, the duplicated efforts that are due to the creative interpretations of the different founding acts mostly based on the following two questions: *What means 'for the functioning of the agency'?* and *What exactly is meant by 'translation services'?* will diminish significantly while increasing the usage of the Centre's capacity to a full extent.

The implementation of the transformation plan is leading to an adapted business model that embraces the existing translation technology environment in the Centre's processes while satisfying the clients' specific requirements.

In addition, based on the client survey results, the Centre implemented new services such as transcription, improved subtitling, post-editing, etc. and bespoke services like paste 'n' go.

CEDEFOP

Replies to written questions



Cedefop's replies to individual questions from CONT Committee

REFERENCE: Discharge 2019

Please find below Cedefop's replies to the CONT Members' individual questions intended for the CONT hearing on the decentralised Agencies 2019 discharge, addressed to Cedefop.

Question 1: In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity. Could Cedefop describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

Cedefop's reply to question 1:

In its report on Cedefop's annual accounts for the financial year 2019, the European Court of Auditors included one observation on the legality and regularity of transactions. The observation concerned a procurement procedure for cleaning services whereby Cedefop had allowed a modification in the execution of the contract after its signature. It should be underlined that: (a) this observation did not call into question the regularity of the procedure, and (b) ECA acknowledged that the alternative proposed by the contractor was comparable with the one proposed in its offer. However, Cedefop should have documented this properly.

To address the observation from the Court, Cedefop formalised its guidelines on contract management to complement the training given to contract managers, the workflow and the controls in place. A dedicated awareness-raising session was organised in 2020 presenting to staff the guidelines regarding ways to document modifications during contract implementation and the signature of relevant contract amendments where necessary. The guidelines together with a checklist have been communicated to staff, in order to raise awareness and ensure proper and timely communication between staff managing contracts and the Procurement Service of the Agency.

Question 2: Given the responsibilities of CEDEFOP, which is like FRA and EIGE mainly concerned with research, data collection and analysis aimed at supporting EU institutions and Member States in developing policies:

- a) Does the Agency analyse how its outcomes and reports are used in practice?

Cedefop's reply to question 2a:

Cedefop's comprehensive performance measurement (PMS) system includes outcome indicators which help assess to which extent the Agency's information and expertise is in demand and used by its stakeholders. Besides analysing the quantitative indicators, qualitative analysis is an integral part of Cedefop's performance measurement approach to make results more meaningful and help the organisation to understand how they are used. A range of these indicators capture take-up of Cedefop's work and demand for its contributions and expertise to inform policy development and implementation at EU level.

Additionally, since 2019, Cedefop conducts user satisfaction surveys every two years to complement the quantitative indicators and better capture the relevance and use of its work. For example, qualitative information from the survey about publications complements the number of downloads of Cedefop publications to understand to what extent these meet the users' needs.

Main performance data and a summary of the quantitative and qualitative analysis are presented in Cedefop's annual activity reports and reported to the Executive and Management Boards. Disaggregated data help to understand, for instance, who are the main users of Cedefop work at EU-policy level and what they are used for. The data capture a wide range of policy domains that go beyond education and training and employment. The data are also presented by operational area of activity and, internally, they are available also at project level. Cedefop staff have access to the data via a dedicated section on Cedefop's intranet. Main trends and major findings are presented to management and considered for its strategy and planning activities. Results from the user survey, for instance, confirmed that Cedefop's decision to provide more interactive online tools and visualisation was a move in the right direction.

The regular external evaluations conducted by the European Commission are a further important feedback loop that complement Cedefop's own analyses. The close cooperation with its network ReferNet, its thematic networks, the feedback of its Management Board and the interaction with participants at a wide range of events provide additional feedback that is considered in the analysis.

- b) Does it consider this evaluation sufficient or are there any plans to improve this monitoring of impact on policymaking?

Cedefop's reply to question 2b:

Although referred to as 'exemplary' in the discharge reports for the financial years 2017 and 2018 ⁽¹⁾, Cedefop regularly reviews its performance measurement system to improve it and make it more efficient and effective. Since its introduction in 2009, Cedefop's performance measurement system has evolved substantially and adjusted to the development of Cedefop's multi-annual strategies. Reviews are also driven by external factors, as for instance the integration of key performance indicators for Directors ⁽²⁾, proposals and recommendations by external evaluations and the cooperation with other Agencies within the framework of the Agencies' performance development network (PDN). Within the PDN, Cedefop participated in the reflections on how to measure and demonstrate Agencies' impact - a challenging concept given that they are embedded in 'eco-systems' with many other actors which makes it difficult to assess the ultimate impact of a specific Agency contribution.

By introducing more qualitative indicators in 2018-19, Cedefop aimed to provide a more balanced view on its performance. As indicated above, user surveys introduced in 2019 are therefore a valuable complementary tool to improve monitoring of its impact.

Following the 2017 four-agency evaluation, the Commission recommended in 2019 that Cedefop, Eurofound, EU-OSHA and ETF further align their performance indicator methods (SWD (2019)159 section 6.2.1). Work commenced in October 2019 and will continue until end 2021 in line with Cedefop's action plan included in its programming documents. To this end, IT and artificial intelligence-based solutions will be explored with the double aim to make the collection more efficient and improve the monitoring of Cedefop's impact on policy making by capturing a wider range of policy areas.

In 2019, reflections commenced for a further revision of its indicators and data collection methods with a view to integrating also feedback received from its Management Board and aligning it with Cedefop's new multi-annual strategy and the EU VET policy framework to be decided by end 2020.

Also, in 2019, Cedefop asked its stakeholders and users for the first time if they would recommend the Agency's services to other potential users. The resulting Net Promoter Score, which subtracts the non-favourable from the overall favourable percentage points of answers, of 44 is relatively high for a public service organisation. It confirms that Cedefop is a relevant, trusted and cherished player in its field.

Question 3: Could CEDEFOP, as Agency under the remit of DG EMPL, describe in more detail how the cooperation between the Agencies under this DG's remit is working?

(1) [European Parliament decision of 26 March 2019 \(2018/2178 \(DEC\)\)](#) and [European Parliament decision of 13 May 2020 \(2019/2066\(DEC\)\)](#).

(2) In line with the Commission guidelines [SWD\(2015\) 62 final](#) and [the Common Approach to EU decentralised Agencies](#).

Cedefop's reply to question 3:

Cooperation with Cedefop's sister Agencies takes various forms depending on purpose and context; within the framework of the EU agency network (EUAN) and its subnetworks; within the Commission's coordination of the Agencies; among all or some Agencies within DG Employment's remit; and bilaterally. The number of meetings and type of communication are adjusted to their objectives and, in case of joint activities, their intended output or outcomes.

- a) How often do the Agencies have regular meetings?

Cedefop's reply to question 3a:

Within the EUAN, Executive Directors and subnetworks usually meet twice a year. Closer cooperation entailing more frequent meetings and exchange of information may develop in the context of the subnetworks, as is the case, for instance, within the task force to propose strategic directions for the next generation of shared services set up at the end of 2019; or the working groups of the performance development network (PDN), e.g. on performance indicators.

In the context of the PDN, Eurofound, EU-OSHA and ETF meet to align their performance indicator methodologies as a follow-up to the Commission's recommendation received in 2019 based on the 2017 four-agency evaluation (SWD (2019)159). The first meeting took place on the fringes of the October 2019 PDN plenary with further bilateral and task force meetings following in 2020/2021 to progress with this work in line with the action plan.

Cedefop, EU-OSHA, Eurofound, ETF and ELA together with the Centre de Traduction also meet within the 'social and employment cluster' regarding the peer review exercise on risk management which the PDN was mandated to organise. The Agencies under DG EMPL also exchange best practices related to internal control activities.

The Agencies also meet within the Commission's coordination of the Agencies. For instance, in March 2019 DG Employment held a meeting with Cedefop, Eurofound and EU-OSHA regarding the implications of their recast Regulations which was followed by regular exchanges.

Participation as observers in sister Agencies' Management Boards offers another opportunity to meet regularly: in the case of Cedefop and ETF it is based on reciprocity. Since its first meeting in October 2019, Cedefop, like Eurofound, ETF and EU-OSHA has been represented on ELA's Management Board. Cedefop is also represented on the Board of the Centre de Traduction (CdT) whose services the Agency is using in line with its Regulation. Furthermore, and as of 2020, Cedefop has observer status in the European Institute for Gender Equality (EIGE).

Bilateral meetings are held among the Agencies that work on related fields to comment on each other's planned work programmes, identify potential synergies and avoid overlap and discuss specific joint or complementary actions. For this purpose, Cedefop and Eurofound meet once a year via video conference at Directorate level; the contact persons communicate regularly to monitor the yearly action plan. Cedefop's and ETF's contact persons communicate several times a

year, including in the context of the biannual thematic knowledge sharing seminars organised for the 2 Agencies' staff.

Thematic/project-based cooperation entails frequent meetings and communication at expert/project manager level, as for instance: the collaboration on the joint Cedefop-ETF report on developments in countries' priorities for vocational education and training (the so-called Copenhagen process) and preparation of the joint conference in June 2020 together with the Croatian and the German Presidencies and the European Commission; the Cedefop-ETF cooperation on the European and global inventories of national qualifications frameworks (the latter together with UNESCO); and the Cedefop-Eurofound joint development and funding of the European company survey, which entailed meetings with the steering group and among colleagues involved in the survey design, coordination of the field work and a joint communication strategy and planning of joint events for 2020.

Besides the meetings with its sister Agencies, Cedefop communicates regularly with ENISA, which is also located in Greece. Cedefop and ENISA signed a service level agreement relating to cooperation in IT services, procurement, facilities, compliance, regularity and legality. Cedefop has recently started sharing the DPO function with ENISA.

b) What does the communication between the Agencies look like?

Cedefop's reply to question 3b:

Communication is adjusted to purpose, intended outcomes, type of activity. Result-orientation and effectiveness guide the choice of communication channels: from traditional meetings to, increasingly, video/virtual meetings, e.g. via Teams, phone, e-mail, and exchanging and sharing documents via online platforms/online work on shared documents. Communication takes place bilaterally between individual staff or among team members involved. Communication also includes clarifying roles and tasks, agreeing on responsibilities and budgetary issues (e.g. editing, layout, production of a joint publication; covering costs for speakers at joint events), contributions and the types of expertise and how outcomes are being disseminated.

The Agencies' Brussels liaison offices communicate regularly on a range of issues and when preparing joint events of the Agencies on a topical theme for members of the European Parliament demonstrating the complementarity and added value of their work.

Cedefop and ETF have a long-standing tradition of organising two knowledge-sharing meetings a year, with predefined themes and agendas. These seminars bring together staff working on topical themes to exchange views and expertise among peers. In 2019, the seminars focused on centres of vocational excellence and financing work-based learning, and the relevance of digital skills and the impact of the digital economy on work, employment relations and skills – issues that are high on the current EU policy agenda. For the discussion on the latter, Eurofound and the Commission's Joint Research Centre were also invited to join the seminar. While the events focus on the Agencies' core activities the knowledge-sharing events also include other aspects. In 2019, these focused on Cedefop's and ETF's communication activities.

In 2019, communication between Cedefop and Eurofound focused more on knowledge exchange and joint shaping of policy-relevant work, most importantly the joint development and funding of the European Company Survey. Cedefop and Eurofound cooperated closely in developing the survey questionnaire and coordinating the fieldwork which was completed by end 2019 and led to technical reports. This entailed physical meetings with the steering group and among colleagues and as well as cooperation via e-mail and Teams. To disseminate the survey's findings a joint communication strategy was developed including a joint launch event and webinars in 2020.

c) How are possible synergies explored and how are overlaps avoided?

Cedefop's reply to question 3c:

Exchange of and comments on each other's planned Programming Documents and annual work programmes before approval by their Boards and discussions among management and the designated contact persons are the main basis for identifying potential synergies and avoiding overlaps. Proposals for specific joint or complementary actions, as for instance the collaboration of Cedefop and Eurofound on the European Company Survey, which also included joint funding, are presented to the Agencies' Management Boards for agreement. Joint initiatives, contributions to/participation in each other's activities and areas in which the Agencies have agreed to exchange information, are included in annual action plans. These form part of the Agencies' multi-annual collaboration agreements (in line with Regulations 2019/128 and 2019/127 of 16 January 2019 for Cedefop and Eurofund). The agreed annual action plans with ETF and Eurofound are annexed to Cedefop's Programming Document. Discussions and collaboration in the different Agency networks, participation in the sister Agencies' events and frequent meetings in the context of different events as outlined above, are also helpful. Likewise, the 4-agency task force also agreed to consult with other members of the PDN in their work on outcome indicator methodologies. The participation in the 2018/19 advisory group accompanying the process to set up ELA, for instance, provided some orientation for thematic areas that may provide cooperation opportunities in the future.

The EU policy framework and the Commission work programme are also a useful source of information for shared themes, e.g. the European pillar of social rights and Commission actions related to it, the Gender equality strategy (Cedefop participates as observer in EIGE Management Board); the Green Deal points to potential cooperation also with other Agencies in the future.

Besides synergies in the Agencies' core business, the work in the Agency networks also contributes to efficiency gains, as for instance through the shared services catalogue or Cedefop's user survey launched for the first time in 2019 as part of its performance measurement activities, which drew on the experience gained through participation in the PDN network. Importantly, as of 2021 and for the first time, ENISA and Cedefop will share resources in the form of shared Data Protection Officers, a concrete example of a really 'shared service'.

CEPOL

Replies to written questions

2019 Discharge of the EU decentralised agencies

WRITTEN QUESTIONS TO THE AGENCIES

Hearing on 7 January 2021

CEPOL

1. Could CEPOL and Europol describe in detail how their cooperation and coordination of activities looks like?

CEPOL and Europol closely cooperate on senior management, mid-management as well as on expert level. The intensity and the quality of cooperation is exemplary and contributes to the delivery of effective law enforcement training as well as the promotion of Europol services within the EU law enforcement community via knowledge building.

The two agencies implement around 9 joint training activities year by year in the areas of child sexual abuse, digital forensics, synthetics drugs, criminal analysis, informant handling, witness protection, explosives, Counter Terrorism and passenger name record data analysis. These joint learning actions are executed under the Agreement on Cooperation concerning training activities organised jointly by Europol and CEPOL signed in 2013, which is renewed and actualised on an annual basis. There is also a Strategic Agreement in place between the two Agencies since 2007.

Moreover, Europol contributes with trainers to over half of CEPOL residential training activities and numerous online courses, webinars and online modules in particular in the area of serious organised crime, cybercrime, law enforcement cooperation, Counter-Terrorism, leadership and law enforcement techniques. CEPOL trainings highlight the core function and the added value of Europol to cross-border operational cooperation to guarantee that European law enforcement agencies benefit from its essential services.

Furthermore, CEPOL is organising study visits to Europol in the context of law enforcement training.

The excellent collaboration within the EU policy cycle on serious and organised crime needs to be highlighted as well, where CEPOL is represented in all criminal priorities delivering trainings on actual criminal threats in line with the contemporary operational requirements ensuring the coordinated and harmonised planning and implementation of training and learning actions.

In line with the newly approved External Strategy of Europol, whose main and balanced focus remains on the EU neighbourhood, Europol has engaged together with CEPOL in a number of capacity building projects whose implementation started in 2020. Indirect management of the project funds has been entrusted to CEPOL with Europol contributing to some components of the project.

The three projects are:

- 1) **EUROMED Police V.** The project aims at contributing to enhancing institutional capacity to protect EU neighbours' citizens against transnational

serious and organised crime. Partner Countries in the framework of this project are: Jordan, Lebanon, Tunisia, Algeria, Morocco, Egypt, Israel, Libya, Palestinian Authority.

) **Eastern Partnership TOPCOP.** The project aims at improving effectiveness in fighting transnational organised crime in priority crime areas. Partner countries in the framework of this project are the Eastern Partnership countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

) **WB PaCT – Partnership against Crime and Terrorism project.** The project aims at enhancing the capacities of authorities in the Western Balkans (WB) to fight organised crime and terrorism including preventing and countering violent extremism by enhancing cooperation within the region and with the EU. Partner countries in the framework of this project are: Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia.

Finally yet importantly, Europol is one of the key players supporting the EU Strategic Training Needs Assessment run by CEPOL, aiming to identify strategic priorities for law enforcement training in the multiannual perspective.

Beyond bilateral contacts, the two Agencies also cooperate under the umbrellas of the EU Agencies Network and of the JHA Agencies Network respectively.

2. How often do the Agencies have regular meetings? What does the communication between the Agencies look like? How exploring possible synergies and avoiding overlaps look like?

In Europol there is a dedicated desk officer to liaison dealing with CEPOL matters who is in constant touch with the CEPOL training sector on the joint matters. CEPOL and Europol experts meet in various Council, Commission, CEPOL, Europol, EMPACT working meetings on a weekly basis on all working levels. The two agencies work shoulder to shoulder towards the effective law enforcement cooperation in Europe.

Besides the EMPACT / Policy Cycle mechanism the coordination of activities are guaranteed by various other measures as well thanks to the fact that Europol and CEPOL is represented in each other's key expert groups responsible for programming and planning. For example the Europol Counter-Terrorism Centre is invited to the CEPOL Knowledge Centre on Counter-Terrorism, a Europol expert is regularly engaged in the evaluation of training proposals within the CEPOL Grant mechanism, CEPOL is member of the Programme Board of EC3 at Head of Unit level, CEPOL joined the recently established EU Innovation Hub at Europol, etc.

Additionally, CEPOL and Europol have an excellent cooperation towards implementing capacity-building projects in third countries, in accordance with the mechanism described under reply to question 23.

3. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that weaknesses in the internal control systems used in the procurement procedures were found. Could the CEPOL describe what the problem was and whether any measures were/will be taken to prevent this situation in the future?

The problem identified was that a framework contract was signed by an AOD that had a delegation to sign legal commitments up to a lower amount. The Agency clarified that the signing was done on behalf of the AO, during his absence, in order to ensure business continuity. The understanding was that the back-up scheme which complements the decision on sub-delegation, would suffice to allow the signature. Following the audit finding, this was addressed via amended decision on sub-delegations, where allocated ceilings for AOD were increased to better enable continuity of operations.

4. What were the actions taken by the Agency in order to reduce staff turnover?

Reclassification of staff and functions within the legally permitted limits, maintaining the social arrangement (e.g. schooling for staff's children), teleworking and flexitime system.

5. What actions did the Agency take towards the Commission and the host state authorities in order to provide additional facilities for staff such as a European School, dedicated medical care or other social care measures in order to reduce staff fluctuations caused by the low correction coefficient?

In July 2016, upon the entry into force of the new CEPOL mandate, the Agency contacted the Hungarian Ministry of Foreign Affairs and Trade and requested the Hungarian authorities to take all necessary measures to meet the requirements mentioned in recital (20) of the Preamble of the CEPOL regulation concerning provision of multilingual, European-oriented schooling. In January 2017, CEPOL received a reply containing the Hungarian position on this request: *'There is no obligation to establish a European or an accredited European in Budapest'*.

In 2020, CEPOL was confronted with challenges to secure flu vaccinations for its staff and family of staff. A letter by the CEPOL Executive Director, co-signed by EIT's Executive Director to the ministers of Interior and Innovation lead to an intervention by the Ministry of Interior enabling both Agencies to receive flu vaccines for staff and family members.

6. What is the rate of staff turnover among nationals of the host member state?

At the end of 2019 CEPOL had a total of 62 staff members (TA and CA), where 26 were Hungarians. The staff turnover among nationals of the host member state was low, with two staff members resigning in 2019.

7. Could you provide an overview of the Agency's communication budget over the past five years?

Communication budget	% of total budget	Budget	Committed	Executed
2015	1.70%	143,875	143,874	143,499
2016	2.04%	176,500	176,500	176,200
2017	1.40%	130,000	130,000	121,483
2018	1.01%	105,639	96,026	94,375

2019	1.02%	91,000	87,828	86,850
2020	1.80%	141,000		

8. What were the activities that the Agency undertook in order to raise awareness about safe channels for whistleblowing?

CEPOL's Guidelines on Whistleblowing were adopted by Decision of the Management Board 03/2019/MB (<https://www.cepola.europa.eu/sites/default/files/03-2019-MB.pdf>)

CEPOL organises regular training on ethics and integrity to raise staff awareness including on reporting channels for whistleblowing.

9. What was the status of e-submission in e-procurement for the Agency by the end of 2019?

CEPOL completed the on-boarding for e-submission in Q2 2019 and e-submission has been fully operational for open procedure launched by the Agency since Q3 2019; CEPOL is following the development of the e-procurement solutions and expects to start using e-submission for lower value procedures as soon as this possibility is offered.

EASA

Replies to written questions

EASA

1. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.
Could EASA describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

Single versus multiple operators for Framework Contracts (FWCs): in order to prevent the reported issues in the future, the Agency is committed to carefully assesses which type of FWC is appropriate to respond to the respective needs while compliant with the Financial Regulation. This has been communicated to all relevant stakeholders and continues to be enhanced to contract managers prior to starting the work on the tender specifications. Furthermore, the Agency has adapted its template for the identification of needs (IoN) and is now requesting further substantiation for the choice of the type of FWC.

Re-opening of competition: the Agency increasingly uses FWC with re-opening of competition to ensure a maximum of competition and best value for money.

Indication of correct maximum turnover as well as ensuring transparency on the volume of the services are two items which are now clearly outlined in the respective templates.

EASO

Replies to written questions

2019 Discharge of the EU decentralised agencies
WRITTEN QUESTIONS TO THE AGENCIES Hearing on
7 January 2021

EASO

33. The ECA Special Report on the Future of EU Agencies (SR 22/2020) concludes that EASO has always had difficulty attracting staff, and its vacancy rates are consistently high.

a) What measures have been taken to improve the situation?

EASO has grown from approximately 80 staff in 2016 to more than 400 staff in 2020. In order to accomplish that, EASO has taken a two-fold strategy. First, it has increased its capacity to recruit large numbers of staff, by substantially increasing staff in the recruitment sector and by streamlining and automating its recruitment process.

Secondly, EASO has reduced the turnover rate of staff by taking a variety of measures, in the area of staff well-being, increase of occupancy rate of manager positions and by creating stability after a turbulent period between 2016 and 2018.

b) Has the situation improved recently?

The situation has significantly improved despite COVID-19. In 2018, 73.7% of posts were filled, increasing to 80.7% in 2019. It is expected that EASO will fill around 85% of its posts by the end of 2020.

At the same time, turnover has also decreased from 10.14% in 2018 to 6.59% in 2019 and is expected to be around 5% in 2020.

c) What are the main issues?

Due to the COVID-19 situation, EASO faced a significant number of candidates declining job offers. However, EASO is optimistic that this issue will be considerably reduced in the course of 2021 as a solution for COVID-19 is found.

EASO would be an even more attractive employer if Malta had a European School or more International Schools. EASO has been taking steps with the Maltese Government in this respect.

34. ECA in its 2019 Annual Report on EU Agencies found that a number of EASO payments associated with a selection procedure for expert consultants were irregular due to a systematic lack of any information which could have constituted a proper audit trail.

a) Why is important background documentation supporting payments is missing?

There seems to be a misunderstanding concerning this ECA finding.

Point 13 of the ECA 2019 audit report on EASO relates to the selection of remunerated experts under the Call for expression of interest for experts Nr EASO/2015/280, published in February 2015, which expired in February 2020. In the above mentioned point it is indicated “... *In these cases, we found that the procedures used for selecting and contracting the external experts systematically lacked a solid audit trail (as set out in Article 36(3) of the Financial Regulation).*”

We saw no evidence that experts had been assigned to tasks on the basis of pre-defined task selection criteria which assessed their merits relative to those of other potential candidates.”

In the above quoted text from the ECA report there is no reference to missing background documentation supporting payments. In fact, no documentation was missing, everything relating to selection of remunerated experts was properly documented and all the documentation was provided to ECA.

Rather, ECA's finding was that, in the provided documentation, it was not evident that the selected experts were appropriately compared with other candidates in the selection process, and, thus, in ECA's opinion, EASO could not prove to have complied with the principles of non-discrimination and equal treatment set out in Article 237 of the Financial Regulation with regards to external remunerated experts.

EASO has explained that the principles of non-discrimination and equal treatment set out in Article 237 of the Financial Regulation were respected when selecting remunerated external experts under the Call for expression of interest concerned, and that its proceedings were legal and regular. Inter alia, EASO's explained to ECA that:

- the documentation included also a Note for the File, which included objective justification for the selection of a particular expert among the ones on the list, and at the same time served as an audit trail; and
- EASO followed the relevant guidelines, in particular the European Commission's Interpretative Note on selection of external experts, which was further confirmed by the guidance of the Research Executive Agency, the Joint Research Centre and executive agencies, for example, in the framework of the selection of Horizon2020 experts.

Nevertheless, under the new Call for expression of interest with reference EASO/2020/775 published in March 2020, the ECA findings were fully considered, and were addressed as follows:

- The selection of experts was narrowed down by creating relevant sub-lists allowing to place in each of them only persons who are competent in a specific area of expertise
- EASO has drafted internal Guidelines which encompass a methodology for selection of experts by the relevant committee based on their specific merits and establishing, based on a previous comparative assessment with other candidates, an order of priority in the selection. The committee analysis is duly documented in the selection report and the relevant annexes. The Authorising Officer will then select the experts for a specific assignment following the order of priority given. The expert selection is documented in a Note for the File which ensures transparency and equal treatment.

Therefore, the selection of experts under the new Call for expression of interests also addresses the remarks expressed by ECA.

- b) What mechanisms are in place to ensure a proper archiving of documents supporting financial transactions?

As indicated above, this ECA's finding does not relate to missing documentation but to the interpretation of the actual situation against the applicable rules. Since EASO fully digitalised its financial and procurement processes, it is virtually impossible to lose or not retrieve any supporting document. So far, there has not been an instance of lost or misplaced procurement file or document.

35. How many staff did EASO employ within the newly established legal affairs office?

EASO has currently filled all positions in the Legal Affairs and Data Protection Sector, namely 5 AD posts. The Sector may be further reinforced

in 2021.

36. How many trainings or raising awareness seminars did EASO organise in 2019 on issues concerning whistleblowing, harassment, preventing conflicts of interest or staff well-being?

EASO is organising routinely several such training sessions. In 2019 the following were held:

- Ethics and Integrity: 5 sessions (1 for managers, 5 for all Staff – Malta, Athens and Rome)
- Respect & Dignity: 3 sessions (1 for Managers, 2 for all Staff)
- Training on Internal Control and Fraud prevention for all staff: 4 sessions
- Training on Internal Control, Expenditure lifecycle, fraud prevention and procurement for all staff: 4 sessions.

37. What was the status of implementing e-procurement procedures in 2019?

100% of the procurement procedures above the EU Procurement Directive threshold (i.e. open or restricted procedures) in EASO are conducted by using the TED e-tendering platform (<https://etendering.ted.europa.eu/general/page.html?name=home>) since end of 2018.

38. What is the envisaged timeline for the establishment of a policy for managing rented premises and related services?

The policy is being developed and is expected to be finalised by Q3 2021.

EBA

Replies to written questions



EBA/2020/D/3313

11 December 2020

EBA PUBLIC

European Banking Authority: 2019 Discharge process

EBA response to individual questionnaire



Individual questionnaire

1. Did EBA implement new rules concerning appointments to strategic positions in conformity with the request from European Parliament about appointments in the fields of economy and finance to have a shortlist made up of a man and a woman before the vote?

In the recruitment process for the new Executive Director which took place in 2019, the selection process included establishing a gender-balanced selection committee. The selection committee established a mixed-gender shortlist of candidates, which was informally communicated to the European Parliament's ECON. ECON met with the short-listed candidates separately. The candidates were interviewed by the Board of Supervisors. The EBA fully recognises the desirability of mixed-gender shortlists and strived to establish these, especially for strategic positions, while also having to abide by the current EU Staff regulations applicable to EU agencies, which require them to apply the principle of equal treatment between men and women in recruitments.

2. In relation to the Parliament's concerns regarding gender balance, which measures were taken by the Authority with its new Executive Director to reinforce gender, diversity and inclusion measures at the EBA?

The EBA is fully committed to taking into account the Parliament's recommendations to reinforce gender, diversity and inclusion. It has started working on a comprehensive policy in this regard which it plans to introduce in the course of 2021. First measures were already introduced since the arrival of the new Executive Director on 01/09/20:

- In the vacancy notices, to encourage applications from a broad base of candidates, the EBA now mentions working arrangements such as flexible working hours, teleworking arrangements, part-time working arrangements and free access to an Accredited European School. In addition, the EBA is preparing a text for the vacancy notices, compatible with Staff Regulations, stating that it is committed to providing equal opportunities to all its employees and applicants for employment. It will mention that as an employer, the EBA is committed to ensuring gender equality and to preventing discrimination on any grounds. It actively welcomes applications from all qualified candidates from diverse backgrounds, across all abilities and from the broadest possible geographical basis amongst the EU Member States. It encourages the applications of women for the positions where they are currently underrepresented;
- Detailed statistics are now prepared and provided to the Executive Director as the Appointing Authority at the end of each phase of the selection procedures on the gender and nationality of the candidates: at the applications phase; the shortlisting phase; the selection and reserve list phase;
- Due consideration is being given to gender balance when organizing events, internal processes, and when senior management participates in external events;



- The population of staff members promoted in the context of the annual reclassification exercise, that was completed in November 2020, was gender balanced.
- Following the ESAs Review requirement to ensure a gender-balanced Management Board, the EBA had also started implementing a mechanism so that, when a vacancy arises, Board of Supervisors candidates from the under-represented gender are invited to express an interest before expressions of interest are opened to all Board of Supervisors members. Gender balance on the Management Board improved in 2020 by the inclusion of two female members on the Board.

3. What are your main points of analysis on the efficiency and cost effectiveness of the Authority's relocation to Paris in 2019?

The key drivers for the Europlaza selection as a new seat for the Authority were:

- Europlaza offered the financially most advantageous conditions per m² of all shortlisted buildings with the lowest NPV/m² of the total cost related to the lease, the headline rent of Europlaza was also by far the lowest of all shortlisted buildings;
- Headline rent of Europlaza was lower and the overall financial conditions were better than either of the buildings included in the original bid of the French government to host the EBA;
- Europlaza offered slightly better headline rent and overall financial conditions per m² than the current building of the EBA in London (see annex);
- Europlaza contributed to the cost of the extra HVAC required for the meeting room floor (estimated to be ca. €600,000);
- Europlaza was close to international schools necessary to accommodate EBA's staff children in the absence of a European school.

As elaborated during the 2018 discharge process, the ESMA and EBA explored and assessed possible synergies of selecting the same building for their respective move/relocation. Subsequently, EBA and ESMA had done a joint market prospecting and none of the suitable buildings identified as available at a time provided more favourable financial terms for joint occupancy compared to a single occupancy.

Albeit joint procurement of office space was not possible on this occasion, mainly due to a hard deadline for the relocation imposed on EBA and thus incompatible timelines between EBA and ESMA, EBA participates in as many procurement procedures with ESMA and other agencies as possible. Recent procurement initiatives with the other ESAs recently agreed or under discussion are: legal services, interim staff services, language training services, medical services, and proof-reading and editing services. Other initiatives have recently been discussed to try and foster possible synergies (e.g. for dealing with the flow of questions received from the public).

Annex

Cost comparison – Tour Europlaza vs. One Canada Square.

In the table below:

- 1CS costs are 2017 costs converted from GBP at the May 2018 InforEuro rate of 0.8770;
- To facilitate the comparison, for the NPV calculation we used the same lease term, fit out and dilapidation costs, and escalation/de-escalation factors as for the Paris buildings. We proportionally reduced the length of the rent-free period from 32 months for the 12-year lease to 24 months for a 9-year lease.

	Tour Europlaza	One Canada Square
Proposed surface	5,336 m ²	4,150 m ²
Number of levels	Four: 24 th to 27 th	46 th and half of 45 th
Rent (per m ² /year)	€460	€491 (£431)
RIE (per m ² /year)	€20	n/a
Building charges (per m ² /year)	€101	€215 (£189)
Taxes (per m ² /year)	€44	€11 (£9)
Rent free period (months)	22	24
NPV (per m ²)	€4,962	€5,727

ECHA

Replies to written questions

DISCHARGE 2019 – ECHA SPECIFIC QUESTIONS (DL 11/12/2020)

ECHA

1. Article 1(1) of the REACH Regulation (1907/2006) specifies the promotion of alternative methods and Article 13(1) states that in particular for human toxicity, information on substances should be generated wherever possible by means other than vertebrate animal tests.

- a) What specific resources did the Agency dedicate to ensuring the promotion of non-animal testing methods and to developing knowledge and application of these methods?

ECHA's approach towards promotion of alternatives has three main directions: i) effective implementation of the relevant provisions of the REACH regulation, ii) contribution to international activities aiming to promote alternatives and iii) making information available

i) Implementing REACH

The REACH regulation is built upon the principle that registrants have the responsibility to put chemicals safely on the market. In the same time, REACH provides mechanisms to ensure that animal testing is done as the last resort. ECHA implements the regulation to ensure compliance with this obligation along the main processes, e.g:

- Registration (access to the EU market) – all registrants of the same chemical need to submit the safety and other regulatory data jointly; incoming data is checked during the completeness check process to ensure that alternatives are considered before proposing new tests, otherwise registration is rejected.
- Data-sharing and inquiry – ECHA facilitates access to existing safety data for new registrants. The yearly number of requests to share data is high, about 4000.
- Selection of chemicals for regulatory work: ECHA Integrated Regulatory Strategy addresses chemicals in groups with the aim to prioritise those where further data generation is needed to conclude on larger groups of chemicals whether further regulatory action is needed or the chemicals can be considered of low priority. This ensures effective use of authorities' resources and reduces the number of animal testing.
- Evaluation – if further testing is needed, registrants need to agree upfront on who performs the test on behalf of all those registering the same chemical.

Besides the processes, ECHA publishes every three year a report on the use of alternatives (as per art 117(3) of REACH). This report describes the progress made in developing alternative methods and their regulatory acceptance.

One of the main alternatives provided by REACH to fulfil the information requirements is the use of read across and grouping. ECHA developed and made available a cutting-edge approach for read across, the Read Across Assessment Framework. This approach aims to help registrants building adaptations based on read across to ensure the regulatory acceptance.

Furthermore, ECHA provides hands-on support to companies (through industry sectors) to develop testing strategies based on read across.

ii) Support to international activities aiming at promoting alternatives

- ECHA is fully financing and co-manages the development of the OECD QSAR Toolbox, which is a comprehensive tool for assessing hazard of chemicals based on mathematical modelling (budget one million Euro over the past two years).
- ECHA is also actively involved in the development of OECD test guidelines, whose development adhere to the requirements of refinement, reduction and replacement. For example, ECHA has contributed towards adoption of the OECD test guidelines for in vitro tests for skin and eye irritation and skin sensitisation. These test guidelines have been widely used, especially since their introduction as standard requirements in the REACH annexes.
- ECHA has joined efforts with US EPA and Health Canada to further investigate the use of new alternative methods (NAM) in regulatory processes. In the last two years, ECHA has financed several projects (total budget 500 000 euros).
- Within the framework of FP7 or Horizon 2020, ECHA has been involved in steering research projects aiming at developing alternatives (SEURAT and EUToxRisk) which are suitable for regulatory needs.

iii) Making information available

It is important to mention that “Alternatives” are used on a large extent in fulfilling the obligations under REACH. However, these non-alternative approaches are frequently applied incorrectly, therefore ECHA keeps investing in developing guidance for registrants and making information available to the general public. This information is essential to ensure correct use of alternatives in the regulatory context but it is also key for developing new alternatives. The ultimate objective is to further build and improve the chemicals knowledgebase in common IUCLID format.

ECHA has published reports on Applicability of non-animal approaches (ANAA) report (2017)^[7], the Integrated Regulatory Strategy report,^[6] and proceedings of a scientific workshop on New Approach Methodologies in Regulatory Science^[8].

Besides, ECHA provides lectures and training to the registrants and scientific community on the use of alternatives in the regulatory context. ECHA website is constantly updated with new information becoming available on the use of alternatives.

Resources used for promotion of alternatives

The main activities towards promotion of alternative methods are embedded within the requirement for industry to use animal testing as a last resort and ECHA to check this and adhere it is in its evaluation decisions. Due to the embedded nature of the work it is not possible to estimate how many resources ECHA uses to promote alternatives to animal testing.

^[7] <https://echa.europa.eu/-/more-progress-needed-to-replace-animal-tests-under-eu-chemicals-laws>

^[6] <https://echa.europa.eu/substances-of-potential-concern>

^[8] https://echa.europa.eu/documents/10162/22816069/scientific_ws_proceedings_en.pdf

^[9] https://echa.europa.eu/documents/10162/0/alternatives_test_animals_2020_en.pdf/db66b8a3-00af-6856-ef96-5ccc5ae11026

b) How does the Agency measure its performance in this regard?

ECHA has performance indicators related to the processes that measure the effectiveness of implementing REACH regulation. Besides, the report on “The use of alternatives to testing on animals for the REACH Regulation”[9] - art 117(3) report under REACH- measure the use of alternative methods in the registration dossiers submitted by registrants. This report shows progress in the use of in vitro methodologies which is due on adoption of OECD test guidelines for skin and eye irritation/corrosion. Further progress could be achieved i.a. through timely amendments to the legal text which would allow regulatory acceptance of such new methodologies.

Furthermore, ECHA measures the performance the use of the OECD Toolbox through specific performance indicators including the number of registration dossiers for which the Toolbox was used (over 12.000), number of downloads of the Toolbox (about 1000 per month), number of active users (about 22.000) etc.

2. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that ex-post verifications by the Agency identified the need for considerable fee corrections, with the total amount of corrections being unknown at the end of 2019.

a) What was the need for those corrections?

Under the REACH Fee Regulation (EC) No 340/2008, micro, small and medium-sized enterprises (SMEs) benefit from considerable fee reductions, up to 95% of the standard fee. Registrants self-declare their size based on the Commission Recommendation 2003/361/EC at the time of dossier submissions and receive an invoice corresponding to the declared company size. ECHA carries out an ex-post assessment to verify the correctness of the company size declaration. If ECHA concludes that the size of registrant is larger than self-declared, a top-up fee and an administrative charge will apply, in line with the Management Board decisions and the REACH Fee Regulation. Wrong size declarations by SME registrants are explained by both the economic incentive and the complexity of the SME definition.

b) Is the total amount of the corrections already known?

The total amount of corrections depends to a large extent on the number of registrations received per year, type/tonnage of registrations, and percentage of companies that have categorised their size incorrectly. Therefore, while it is possible to estimate the amount of the corrections in a given year, the amount will change with new registrations submitted.

In 2019, ECHA collected 0.7 million of top-up fees (i.e. balance between the applicable and the initially paid registration fees).

In 2020, ECHA estimates to collect € 1.2 million of top-up fees, while the updated top-up fee income forecast for the period of 2021-2027 years amounts to approx. €6.1 million.

EFCA

Replies to written questions

EFCA

44. In 2018, the Commission's internal audit service issued an audit report on "Planning, Budgeting and Monitoring in the Agency" and an action plan for potential areas of improvement was agreed. In its EFCA Discharge resolution of 14 May 2020 for the financial year 2018, the European Parliament requested the Agency to report to the discharge authority on the measures taken. Could you please provide us with a detailed answer presenting the measures taken by EFCA as a follow-up to the audit report?

The IAS final report was issued in 21/12/2018 and it included 5 recommendations all rated as important, the lowest IAS rating. The recommendations were:

Recommendation 1: Review and develop the set of KPIs (Important)

At the time of the audit, the IAS had basis the Annual Report (AR) 2017 and the recommendation intend to streamline and improve the KPIs set in the AR and in the internal EFCA scorecard. The recommendation was implemented and in the AR 2019 and further in the AR 2020 the KPIs were streamlined and improved. The main criticism was the large number of indicators which was addressed, the number of indicators was reduced accordingly keeping the more meaningful and improving existing KPIs.

Recommendation 2 & 3: Update the procedure for planning and automate the approval process (Important) and, update the procedure for budgeting and ABM (Important)

Both recommendations were related to the existing internal procedures which did not reflect all the applied practises and workflows. Both procedures were improved and links between them were established reflecting the actual practise applied in EFCA including the electronic workflows.

Recommendation 4: Develop an automated budgeting system (Important)

This recommendation was to strengthen the implementation of the project for developing an automated system covering the entire process of budget planning and monitoring. EFCA started a business case in 2018 and was looking for tools available on the market or used by other agencies that could easily be applied in EFCA. The conclusion was that an in-house development was needed and the tool responding to EFCA needs is currently being concluded..

Recommendation 5: Develop a consistent monitoring system (important)

The IAS notice some good practices applied by units and sectors in EFCA regarding the monthly reporting to management and recommend extending the good practises and apply them consistently to all EFCA units and sectors. This recommendation was implemented straightway after the audit.

Overall, the IAS conclusion was positive, *"The IAS concludes that the design and practical implementation of the management and internal control system in EFCA with regard to its mandate, role, responsibilities and tasks related to the processes of planning, budgeting and monitoring are effective and efficient. Moreover, the Agency is compliant with the applicable laws and regulations. In arriving at the above conclusion, the IAS did not identify any critical or very important risks that may affect*

the achievement of the objectives for the processes audited. However, notwithstanding the overall positive conclusion above, a limited number of issues were identified in relation to the audited processes where there is room for improving the underlying procedures and operations.”

The measures taken for each recommendation as described above were agreed with IAS in the relevant action plan and 4 recommendations are already implemented and the remaining one regarding the automated budget system is being concluded within the agreed date (end of 2020).

45. What measures has the EFCA taken in 2019 to address the lack of gender balance on the management board? Has the situation improved since 2018?

In accordance with paragraphs 1 and 2 of Article 33 of EFCA’s Founding Regulation (Regulation (EU) 2019/473), the Administrative Board (AB) shall be composed of representatives of Member States and six representatives of the Commission. Each Member State shall be entitled to appoint one member. The Member States and the Commission shall appoint one alternate for each member to represent the member in his or her absence. Board members shall be appointed on the basis of their degree of relevant experience and expertise in the field of fisheries control and inspection.

Thus, EFCA has no influence on the gender of the appointed members and alternates of EFCA’s Administrative Board. During the preparatory meeting before each Administrative Board meeting EFCA management reminds the chair the need to underline this issue to the Board.

At the inception phase of each Administrative Board meeting the chair reminds the Board gender balance issue (page 2 of the minutes for both meetings held in 2019).

<https://www.efca.europa.eu/sites/default/files/atoms/files/AB%20minutes%2010.04.2019.pdf>
<https://www.efca.europa.eu/sites/default/files/atoms/files/AB%20minutes%2022.10.2019.pdf>

In 2018, there were 32% female AB members, in 2019 29% and in 2020 32%. However, the Chairperson and Deputy Chairperson recently (2020) elected are both women.

46. In 2018, the Agency adopted a decision to publish the relevant executive director and staff meetings with lobbyists on the Agency’s website.

- a) To this date, no such data has been published on the Agency’s website. Could you explain why?
- b) Should any such meeting have taken place in 2019, could you provide us with the dates, locations, names of the organisation/person met and the topics discussed?

Since the adoption of the Executive Director decision on the publication on meetings with organisations or self-employed individuals was adopted in June 2018, all EFCA meetings with these kind of organisations were published in the following link:

<https://www.efca.europa.eu/sites/default/files/atoms/files/MeetingsEFCAstaff.pdf>

The section can be found navigating through the top navigation menu: About EFCA – Organisation – Meetings.

As it can be seen, only few meetings of this nature were held. In 2019, only one.

47. In its EFCA Discharge resolution of 14 May 2020 for the financial year 2018, the European Parliament encouraged the Agency to develop a long term human resources policy framework which addresses the work-life balance of its staff, the lifelong guidance and career development, the gender balance, the teleworking, the non-discrimination, the geographical balance and the recruitment and integration of people with disabilities. Did you develop such HR policy framework in 2019?

The points mentioned in the question are laid down and reflected in different HR policies and procedures, as well as in HR initiatives and the day-to-day work at EFCA. In 2019, EFCA did not develop an explicit overarching policy framework, as a written umbrella for the different HR policies, procedures, and initiatives.

In 2020, EFCA started the process of drafting a Human Resources strategy taking stock of the outcomes of the IAS cross-cutting audit on HR management in some agencies. The strategy addresses elements such as work-life balance of its staff, career development and support, gender and geographical balance, teleworking, recruitment and equal opportunities and diversity.

48. In 2019, how did the EFCA disseminated the results of its research to the general public?

The work of EFCA on Research is limited to what is gathered in its founding regulation in Article 3 (f) *to contribute to the work of Member States and the Commission on research into and development of control and inspection technique.*

In this sense, in 2019, the following projects in relation to this article were communicated:

- EFCA's work on Remote Electronic Monitoring (REM):

EFCA published the Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries. This document was made publicly available on EFCA's website, shared with institutional partners, non-governmental stakeholders, and industry, and heavily promoted online, as an important part of EFCA on research into control and inspection techniques.

Moreover, on 7th of March 2019, EFCA participated in the debate in the European Parliament on the new EU fisheries control system and how to deliver fully documented fisheries. The debate was communicated through the social media.

On 21st March of 2019, there was a meeting of the final Remote Electronic Monitoring (REM) Technical Working Group in Barcelona. Its results were also promoted on social media.

- EFCA supported the Copernicus Maritime Surveillance (CMS) social media tools, echoing the different messages on Twitter:

Copernicus CMS cooperation with EFCA to monitor fishing vessels by correlating satellite imagery with EMSA vessel position data

Contribution and promotion of the EMSA publication of six info sheets introducing the different function areas covered by the Copernicus Maritime Surveillance service, highlighting one use case per area.

Promotion of Copernicus CMS information about transshipments

Copernicus Maritime Surveillance contribution to IUU with the monitoring of fishing activities in often remote and inaccessible areas.

- EFCA use of Remotely Piloted Aircraft Systems

EFCA explored the use of Remotely Piloted Aircraft Systems (RPAS) on board of its chartered offshore patrol vessel. This service was made possible through the cooperation with the European Maritime Safety Agency (EMSA) in the context of the Coast Guard Cooperation. The RPAS was a light quadcopter with a limited autonomy and endurance that was explored for preboarding, boarding and post-boarding analysis of fishing vessels from the fisheries control and also the boarding safety perspectives.

The experience is shared with Member States national authorities through the Steering Groups and the Technical Joint Deployment Groups of the Joint Deployment Plans and also through the sharing of experience on board the EFCA chartered vessel, with national fisheries inspectors on board. EFCA also disseminated the results through the Member States RPAS User Group coordinated by EMSA.

EFCA is also cooperating closely with Member States fisheries control authorities for the possible implementation of medium-sized RPAS for fisheries control purposes in EU waters in certain areas requested by Member States or in areas where EMSA has planned operations at the request of other national authorities, so that the best use can be obtained from the deployed operations.

49. Could you give us an overview of the social media and media outlets' coverage of the Agency's work in 2019?

In 2019, EFCA issued 13 press releases covering different areas of its work. These press releases were sent both in English and in Spanish to a wide range of international media specialised in Fisheries and Maritime issues. Moreover, they were always agreed with the Commission and institutional partners when relevant (e.g. other EU agencies, MS, etc.) so they could reach a more ample audience. All of them were covered by the media, especially by the specialized and Spanish one, where EFCA has its seat.

Moreover, press conferences were held with journalists in EFCA headquarters in Vigo, after the Administrative Board meetings and all the interviews and articles requested by the media outlets were conceded.

At least, in 2019, EFCA has recollected 55 media outlets covering EFCA 's news.

Moreover, these stories were also promoted through EFCA social media.

In 2019, EFCA achieved 570 100 impressions on Twitter, reaching 2397 followers. EFCA'S website received 11 760 page views as a monthly average to its website.

Moreover, EFCA has a specific communication strategy to reach to the general public its activities, beyond research. The main objective of ECA to disseminate its work to the general public in 2019 was to make them aware of the work of the EFCA in the area of control of the Common Fisheries Policy as well as its contribution to the European Border and Coast Guard and the cooperation programme PESCAO.

In view of supporting the Communication Strategy defined by the European Commission, EFCA participated in the Seafood exhibition in Brussels joining the stand of the Commission, having continuous EFCA staff presence, giving a presentation on its activities, as well as displaying new publications, such as a new brochure, and other material. The cooperation with DG MARE on social media has been constant throughout the year, through the sharing of posts and content.

One video was produced this year, illustrating EFCA's participation in the context of the multipurpose exercise Coastex 2019 in Catania and EFCA's support to the European Coast Guard Functions Forum workshop.

Regarding the online tools, EFCA's website as well as its social media channels Twitter, Facebook and LinkedIn, have been kept updated regularly.

When it comes to offline communication tools, a short version of the Annual Report 2018 has been designed and printed as well as the Programming Document 2019. Other material was produced such as bags, stickers, stationery and a customised USB in the shape of the EFCA OPV, the Lundy Sentinel.

Groups of visitors received by EFCA include; on 14 May the participants of the 3rd International Forum for Maritime Spatial Planning held in Vigo, and on 25 June, university professors from Sweden.

Moreover, different students, both from university and high school were also received.

50. What would you consider to be the greatest achievement of the EFCA in 2019?

During 2019 the agency thanks to its scalability and agility increased dramatically the scope of its activities without any additional resources, then coordinating the Monitoring, Control and Surveillance measures applying to around 45 additional fish species in the European Waters including all the species falling under the landing obligation and extending these activities to recreational fisheries (Cod in the Western Baltic Sea). Considering the resulting new dimension of the Joint Deployment Plans in terms of risks analysis, planning, tasking and assessment, this is probably EFCA's greatest achievement during 2019 without prejudice of a successful implementation of the other facets of EFCA mandate.

EFSA

Replies to written questions



2019 Discharge of the EU decentralised agencies

EFSA's Written Answer to Question 51 of CONT Questionnaire

Hearing on 7 January 2021

51. EFSA

In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity. Could EFSA describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

Answer by EFSA

In the case of EFSA, it is important to remind that there was no issue with sound financial management or irregularity. The concerned audited contract related to the language used for the selection procedure of a Medical Adviser. English is the working language of EFSA and therefore all documents issued by the Authority are in English. This is also applicable for tendering and contractual documents except for procedures and proceedings regarding services, supplies or works for which the knowledge of Italian language is essential for the provision of the services to be provided. This was the case for the selection procedure for the services of a Medical Adviser as demonstrated in the procurement documents. The contract notice for this procedure was published in the Official Journal and offers could be submitted in all official languages. Also, the fact that the language requirements in this selection procedure were stricter for Italian than English is due to the technical nature of the duties to be performed in Italian (e.g. analysis lab results, contacts with Italian competent Authorities). To avoid potential similar concerns in the future, the EFSA procurement team will introduce a note to the file setting the justification when a call is not launched in English. This step will also be included in the grants and procurement guide. EFSA already implemented the corrective action.

EIGE

Replies to written questions

EIGE

Question:

Given the responsibilities of EIGE, which is like FRA and CEDEFOP mainly concerned with research, data collection and analysis aimed at supporting EU institutions and Member States in developing policies, does the Agency analyse how its outcomes and reports are used in practice?

Answer:

EIGE pays particular attention to analysing its impact to the policy making process. Specifically, through a Framework Contract, which ensures a systematic approach and comparability over time, we track how much EIGE as an organisation and EIGE's products are referenced in outputs (reports, conclusions, draft documents, speeches, press releases etc) produced by EU Institutions, European political parties, and EU-level civil society organisations. The monitoring allows in-depth analysis and enables us to identify exactly which of EIGE's outputs are used by each EU-wide policy maker and to identify trends over time. Similarly, in order to monitor the usage of EIGE's produced knowledge by EU policy makers, EIGE monitors mainstream media (newspapers, TV, radio) across the EU and receives analytical reports on how much media outlets report on EIGE and EIGE's outputs.

Question:

Does it consider this evaluation sufficient or are there any plans to improve this monitoring of impact on policymaking?

Answer:

Given the available resources for this project, the impact monitoring process is considered effective and efficient. However, as this process is not static, EIGE reviews and adapts both the monitoring process (e.g. monitoring new sources when they become available) and the analysis of the monitoring results (e.g. easier data mining), to make the overall exercise more relevant and informative within the resources available.

Question:

In 2010, FRA and EIGE signed a cooperation agreement.

- a) Could the Agencies describe what the cooperation looks like?
- b) How often do the Agencies have regular meetings, what do the communications between the Agencies look like?
- c) How are possible synergies explored and how are overlaps avoided?

Answer:

- a) The cooperation agreement between FRA and EIGE was signed in 2010 with the aim of avoiding overlaps and optimizing synergies between the two Agencies. As an example: the two Agencies have cooperated on the use of the Violence Against Women survey results. EIGE was given privileged first access to FRA's survey dataset, which was used as the basis of EIGE's data input for the 'violence' domain in the EIGE gender equality index. FRA also provided EIGE with the

analysis of its survey data on 'Roma on the basis of gender', which EIGE used for its own publication work.

FRA and EIGE share with each other their annual work programmes. Coordination meetings between FRA and EIGE researchers are organized several times a year where ongoing and future research projects are discussed in order to see how Agencies can complement each other's work. FRA's Director is invited to attend EIGE's Management Board meetings and EIGE's Director is invited to attend FRA's Management Board meetings on a regular basis. FRA and EIGE's experts are invited to attend each other's events and meetings.

Furthermore, FRA and EIGE are also members of EU Justice and Home Affairs (JHA) Agencies Network. Within the framework of the Network, FRA and EIGE's experts meet on regular basis (at least 3 regular coordination meetings per year), while Agencies' Directors meet at the annual Head of JHA Agencies Network meeting once per year and have regular bilateral meetings

- b) Regular (several times a year) coordination meetings between EIGE and FRA's experts are organized. FRA and EIGE's Directors are invited to each other's MB meetings. Both directors have bilateral meetings on a regular basis. For more information, see point above.
- c) The two Agencies share their draft work programmes and discuss potential synergies both on expert and management levels. The Agencies regularly consult each other on activities of common interest (mainly in the field of gender-based violence), which is reflected in their mid-term and annual work programmes. FRA and EIGE also have regular meetings to continuously improve their cooperation and participate at each other's Management Board meetings. The Commission also plays an active role to ensure the best use of resources (both FRA and EIGE are within the remits of the same Directorate-General, DG JUST).

Question:

The ECA Special Report on Future of EU Agencies (SR 22/2020) says that some Agencies (EIGE and FRA) still organise their own evaluations rather than having them steered by the Commission as prescribed by the Common Approach. What are the reasons for this?

Answer:

EIGE recognises that the recommendation in the Common Approach is non-binding and does not take into account individual Agencies, their size or their specific situations. Moreover, as per Article 20 of EIGE's Founding Regulation, **"the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission"**.

Question:

The ECA Special Report on Future of EU Agencies (SR 22/2020) says that EIGE's management board decided in 2019 to postpone the planned evaluation by two years, and to use the corresponding budget for other purposes.

a) What were the reasons for postponing this decision?

Answer:

In taking its decision on 12 June 2019 to defer the external evaluation, the Agency's Management Board weighed the following key arguments:

1. Article 20(1) of EIGE's Founding Regulation sets a date for a first external evaluation, which has already been conducted and concluded in 2015 i.e., five years after the Agency started its operations. The Regulation does not specify a timeframe for successive evaluations. Moreover, Article 20(2) clarifies that "the Management Board, in agreement with the Commission, shall decide the timing of future evaluations".
2. EIGE is still a relatively young organisation, having started its operations in 2010.
3. Only four years had passed since the first evaluation and the Agency was still implementing changes in line with its recommendations, which had not yet matured enough to assess their effectiveness.
4. Bearing in mind the principle of proportionality, the financial burden and resources required to conduct an external evaluation every five years for such a small Agency, like EIGE, seemed disproportionate.
5. The Management Board also recognised that it would be advantageous to conduct a second evaluation after all recommendations from the previous one are fully implemented, and at a time when a new EIGE Director would be in place and operational, allowing for continuous oversight of the external assessment.

As a result, EIGE's Management Board decided that it was in the interest of the Agency, as that of the EU as a whole, to postpone its second external evaluation until 2022, allowing for a seven-year time lapse. Such a period would allow for more thorough analysis of the functioning of the Institute and a more accurate evaluation of its added value and contribution to the EU and its stakeholders.

b) How was the corresponding budget used instead?

Answer:

The unused amount of EUR 271 000 was transferred to budget lines related to the purchase and maintenance of office equipment, new and replacement furniture purchases, Experts' Forum expenses and ICT hardware and software purchases within Title II.

Question:

There is this pending court ruling on the use of interim workers. Because of this pending case, the Court has decided to refrain from making any observation on the "other matter" paragraph until the CoJ ruling.

Is there already any further info on the issue? Does EIGE have any idea on when the Court will issue its decision?

Answer:

There are to date no updates on the development of the court case. On 31.12.2019 the Lithuanian Supreme Court referred to the European Court of Justice (ECJ) six questions connected to this case which concern the interpretation of Directive 2008/104 on temporary agency work. The questions were published in the Official Journal of the EU no. C 77 of 9.3.2020, p. 32.

Regarding the possible timing for the issuing of the decision, we anticipate it will be in the second half of 2021. On average, in cases of a referral for a preliminary ruling, the ECJ would hand down its judgment within 16 months. Following the issuing of the ECJ decision, the Lithuanian Supreme Court may resume its deliberations on this case.

EIOPA

Replies to written questions



EIOPA REGULAR USE

EIOPA-20/779
11 12 2020

Reply of the Executive Director to the Discharge Authority to the individual questions received in the light of the discharge in respect of the implementation of the budget for the financial year 2019

Question 1

In the Report with answers to the standard questionnaire of September 2020¹, your agency presented a gender and nationality breakdown of its senior and middle management positions and its management board, and of its staff overall. As your presentation shows a very low percentage of female members on the management staff, how do you intend to promote gender equality?

EIOPA's reply

EIOPA has been successful throughout the years in ensuring gender equality for its total staff population. We offer free access to the European School in Frankfurt and support staff with securing childminding places. We make use of flexitime possibilities to adapt to the different needs of our staff, whether taking care of small children or elderly parents.

The organisation also strives to have gender balance in its leadership and management positions. In view of ensuring diversity among the leadership team, EIOPA's managerial vacancy notices include specific declaration strongly encouraging female applications. Moreover, the selection panels are always gender balanced. EIOPA's Management Board is composed of the Chair and six of its Board members. EIOPA has currently three female members and 3 male Board members in the Management Board. In order to fill the post of EIOPA Chairperson, EIOPA is committed to present to the Council of the European Union and to the European Parliament a shortlist of candidates ensuring gender representation.

At middle management level, while in the past a more balanced composition level was achieved with four female Heads of Department out of seven, there is a need to recompose such a balance after two of them decided to leave the Authority.

1

<http://www.europarl.europa.eu/cmsdata/214462/Discharge%202019%20standard%20questionnaire%20report.pdf>

EMA

Replies to written questions



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

EMA/684018/2020
11 December 2020
European Medicines Agency

EMA reply to questionnaire from European Parliament

2019 Discharge of the EU decentralised Agencies

CONT Hearing on Agencies discharge for Financial Year 2019 (7 January 2021)

II. Questions to be answered by individual Agencies

58. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.

Could EMA describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

As regards procurement, one observation relates to compliance with both Union and national legislation for posted workers. With the EMA relocation to Amsterdam, the Dutch legislation applies to the Agency. The Agency has started implementing changes to its contract templates and template for technical specifications to include information about the Posted Workers directive.

In parallel, EMA is undertaking a thorough legal analysis of the Dutch legislation to identify whether exceptions for public and international organisations apply to EMA. If necessary, further actions will be taken to ensure compliance.

A second observation relates to a procurement combining two different services which, the ECA concluded, may limit the number of potentially interested tenderers.

Considering that one of the service at the Agency's new premises in Amsterdam represents two out of nine FTEs foreseen in the Framework Contract and that the emphasis is on the quality of the procedural aspects of this service, the Agency considered at the time that it would have not been practical nor efficient to tender such service in isolation.

In accordance with the Agency's internal controls, the procedure was reviewed by the Advisory Committee on Procurement and Contracts and following its recommendation the option to end the contract at an earlier stage if needed, was included in the contract. EMA takes note of the ECA's observation and will pay attention in its public procurement procedures to dividing contracts into lots when necessary in order to facilitate broader competition.

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Address for visits and deliveries Refer to www.ema.europa.eu/how-to-find-us

Send us a question Go to www.ema.europa.eu/contact Tel. +31 (0)88 781 6000

An agency of the European Union



Finally, the last point is a recommendation that relates to a technical point for the selection of a company for the supply of temporary workers. The ECA recommended the Agency to better evaluate whether the service provider's mark-up gross profit was reasonable in relation to similar contracts. The price was assessed in its globality and the Agency considers that the high diligence applied produced a favourable result. However, the Agency notes the ECA recommendation.

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EMCDDA

Replies to written questions

2019 Discharge of the EU decentralised Agencies

WRITTEN QUESTIONS TO THE AGENCIES

QUESTIONS TO BE ANSWERED BY INDIVIDUAL AGENCIES

EMCDDA

59. How is the EMCDDA addressing the ECA observation of 2018 regarding low value procurement procedures?

EMCDDA's REPLY:

In accordance with the applicable financial rules, the EMCDDA has ensured and ensures adequate ex ante publicity on the matter at stake by means of the publication of its annual work programme on its website. In this context, the EMCDDA has invited and duly invites the number of potential tenderers required by the relevant rules to ensure the necessary competition, in accordance with the low value of the contracts at stake.

Furthermore, and in order to facilitate the competitive participation to its procurements for low-value contracts, the EMCDDA has increased its effort to simplify technical specifications and avoid unnecessary administrative "red tape", without prejudice to the compliance with the relevant rules and the principles of proportionality and equal treatment of all potential tenderers. Finally the EMCDDA has taken some initiatives aimed at raising awareness about some of its procurement needs via the preliminary prospection of the relevant markets.

EMSA

Replies to written questions

EMSA

60. What measures has the EMSA taken in 2019 to address the lack of gender balance on the management board? Has the situation improved since 2018?

The Agency continues to remind the Members of the Administrative Board about the lack of gender balance in this body. The gender balance on the Administrative Board improved slightly compared to 2018:

Gender balance EMSA Administrative Board (%)

	2018	2019
Male	80	79
Female	20	21

61. Is the EMSA considering publishing the executive director and staff meetings with lobbyists on the Agency's website? Should any such meeting have taken place in 2019, could you provide us with the dates, locations, names of the organisation/person met and the topics discussed?

EMSA is a technical Agency providing assistance to the Commission and Member States. In this respect the Agency's management does not meet with lobbyists.

62. In 2019, how did the EMSA disseminate the results of its research to the general public? Could you give us an overview of the social media and media outlets coverage of the Agency's work in 2019?

EMSA's communication activities aim to rapidly deliver objective, reliable and easy-to-understand information to the general public and any interested parties. These activities include updating the website, extranet and intranet; answering external enquiries; supporting EMSA workshops and events; media relations; and publications.

Data visualization is increasingly used for awareness-raising of key activities on multiple channels.

In 2019, EMSA published several key publications (e.g. EMSA Outlook 2019, EMSA Facts & Figures 2018, Annual Overview of Marine Casualties & Incidents), released videos (e.g. EMSA Women in Shipping, EMSA Annual Highlights 2018, EMSA Training for Sulphur Inspectors, First European Conference on Transport Cybersecurity), prepared branded material and created data visualizations (e.g. RPAS maritime surveillance by country, activity and flight hours, maritime casualties).

Various events and initiatives, in some cases in cooperation with authorities from the host state, are organized by the Agency offering the opportunity to increase public understanding of our activities. This includes participation in exhibitions and events with a clear maritime related connotation. The EMSA website contains also number of publications which are of interest to the wider public.

In order to enhance its visibility EMSA is also present on various social media such as Twitter and LinkedIn. In the course of 2020 EMSA has completely updated its website. For the first time the EMSA website includes multilingual content. The main section "This is EMSA" has been translated to all EU official languages, making possible for every European citizen to have a clear idea about: what is EMSA, how it is organised, and what are the mission statements of the Agency.

63. What would you consider to be the greatest achievement of the EMSA in 2019?

The implementation of the Agency's working program is fully outlined in the Agency's Consolidated Annual Activity Report (CAAR) which is also assessed on an annual basis by the Agency's Administrative Board. The Agency's Consolidated Annual Activity Report for 2019 which contains all EMSA's achievements is made available to the EU Citizen and published on the Agency's website.

The Annex I. provides a more detailed overview of the main achievements for 2019.

64. During their audit of the Agencies for 2019, the ECA noted an increase in weaknesses related to recruitment procedures. One of such weaknesses is that internal controls aimed at managing potential conflicts of interest were not applied properly in EMSA. The ECA found that members of various selection panels had systematically failed to declare and document potential conflicts of interest associated with candidates in a recruitment procedure.

a) Could EMSA comment on such cases and explain the measures in place to avoid such conflict of interest?

EMSA fully acknowledges that proper management of potential conflicts of interest is important for ensuring that recruitment procedures are fair and transparent. To this end the Agency implemented controls aiming to prevent and manage such potential conflict of interests. These controls include the composition of the selection panel (inclusion of "independent" staff from outside the Agency or other units, the representation of a member of the HR-unit and a member of the EMSA Staff Committee). The procedure also includes that Members of selection boards for recruitment procedures sign a declaration to the effect that they are not affected by any conflict of interest at the very beginning of the procedure. If selection board members discover during the selection process that a conflict of interest has arisen, they must declare this immediately.

Following ECA's recommendation the existing procedure was strengthened and a specific policy on identification of familiarity and improved management of conflict of interests was implemented early 2020.

- b) Is it a problem of single officials not declaring potential conflicts of interest and enforcement of rules or the lack of regulation in this area?

The problem detected in one audited selection procedure seems to be related to officials not systematically declaring all (potential) conflicts of interests, despite the existence of internal procedures.

- c) Were there any improvements made in this regard?

Following the remarks of the Court, as stated above, EMSA reviewed its procedure and guidelines related to the identification and management of conflict of interests of Selection Committee members.

The enforced procedure that has been implemented ensures a proper identification, reporting and management of potential conflicts of interest at the various stages of the selection procedure. More in particular, the procedure now specifically requires the Selection Board members to list all the candidates that they know or have familiarity with and explain the relationship (professional, personal, etc.).

There is an independent check performed by the HR-Unit and the appointing authority in order to decide on appropriate measures, when applicable.

The new procedure was implemented from 2020.

EMSA Consolidated Annual Activity Report 2019 – Main Achievements

A) Strategic achievements

The Agency's previous 5-year Strategy was extended for one year until the end of 2019, bridging a period in which several major developments with a direct impact on the Agency were expected to mature: negotiations for the next Multi annual Financial Framework 2021-2027, the impact of Brexit, the election of the European Parliament and the appointment of the new European Commission. After her appointment by the Administrative Board in September 2018, Ms Maja Markovčić Kostelac started preparing her new strategy in her first year in office, 2019. This new 5 Year strategy, covering the period 2020-2024, was adopted in November 2019.

The key strategic achievements in each work area in 2019 are outlined below.

1. Standards, rules and implementation

EMSA shall be a leading technical partner in cooperation with Member States for the development and implementation of EU safety standards and regulations in the maritime sector.

The contribution of the Agency to the development and implementation of EU standards and regulations in the maritime sector is delivered through a programme of visits and inspections, corresponding reports and cumulative horizontal analyses. The continued focus on implementing the Methodology for Visits to Member States, as adopted by the EMSA Administrative Board, ensured that the Agency succeeded in further reducing the administrative burden for Member States, developing and sharing best-practices and lessons learnt, and strengthening the flow and exchange of information, including the participation of Member States as observers. The horizontal analyses, which now incorporate a cost-efficiency assessment, confirmed their added value both for Member States and the Commission.

In addition, the Quality Management System for visits and inspections, covering the full scope of the Agency's visits and inspections activities continued to be implemented and provides a solid framework for continuous improvement.

The technical work carried out in relation to passenger ship safety, marine equipment, autonomous ships, steering and manoeuvrability and fire safety confirmed the leading role of the Agency for issues related to ship safety in support of the Commission and the Member States at EU and IMO level.

Safety analyses of data from EMCIP confirmed their added value as a tool to identify safety issues and possible **improvements towards an enhanced safety culture.**

2. Monitoring, surveillance and information sharing

EMSA shall aim to become a major provider of reliable and efficient information services for the benefit of the EU maritime cluster and, where appropriate, for the use of other communities.

The process of enriching and tailoring the maritime picture made available by EMSA to its key stakeholders via the Integrated Maritime Services (IMS) continued in 2019. The process of data integration and incorporating new data sources and functionalities, such as enhancing ABM,

combining fishing vessel positions and search and rescue data as well as providing a mobile application that is actively used by Member States (IMS Mobile App), continued to add value for a growing number of end-users showing increasing interest in tailor-made services. The Integrated Maritime Services (IMS) are a pivotal part of Member State monitoring, information and surveillance systems and benefit a steadily expanding list of other EU agencies and bodies where synergies with EMSA have been identified.

The EMSA Earth Observation pool continued to develop and deliver the capabilities of Satellite based maritime surveillance for pollution monitoring through the CleanSeaNet Service but also through the Copernicus Maritime Surveillance programme and by way of the service provided to Frontex for the maritime surveillance in the domain of Border Control. The Earth Observation services portfolio and the Earth Observation Data Centre (EODC) finalized an important evolution in terms of satellite processing capabilities, increasing the performance, stability and resiliency of the satellite based service delivery. These developments enabled the processing of the highest volume of Earth observation Services since the Agency initiated activities in this field, with an overall 21% growth of services delivered to Member States administrations and EU institutions, compared to 2018.

EMSA continued to offer capabilities based on Remotely Piloted Aircrafts (RPAS) technology supporting maritime surveillance and, by doing so, became in this second year of operations a reference at EU and global level for the use of RPAS for maritime surveillance.

The integrated maritime picture provided through the IMS service, ABM, and Earth Observation services based on satellite imagery and RPAS were shared with Frontex and EFCA with the required customization in the framework of coast guard cooperation and specific bilateral Service Level Agreements. IMS services were also further developed in 2019 for EUNAVFOR and MAOC-N, and a new cooperation agreement was signed with EUROPOL providing a dedicated associated operational IMS service. With respect to SAT-AIS data EMSA continued to provide global satellite AIS data services to end-users. A new Framework Contract for Services was put in place with a new SAT-AIS data provider and EMSA is now providing its users with global real-time SAT-AIS data service capability using high performance satellites.

The Commission has put in place a preparatory action for the operational implementation of the Common Information Sharing Environment (CISE) and has tasked EMSA to set up and coordinate the preparatory action, known as the „transitional phase“. A Grant Agreement between DG MARE and EMSA was signed in April 2019 with a duration of 2 years and a budget of 3.5 MEUR. EMSA will provide technical and operational support to Member States to integrate the CISE interoperability building blocks into their systems on the basis of the elements developed and tested by EUCISE2020. The Agency aims to ensure coherence of CISE with the overall maritime surveillance framework and the existing EU maritime information systems thus avoiding duplication of efforts while taking into account the existing legislation.

The impact of digitalisation on shipping and the potential support to Port States and Flag States for eCertificates confirmed the role that EMSA could play as facilitator.

3. Environmental challenges and response

EMSA shall aim to become the main EU resource to support Member States' efforts for mitigating shipping-related environmental risks and responding to environmental accidents in the maritime and offshore sector.

As the developer and provider of tools and services to directly support Member State environmental enforcement efforts and the expert support to the Commission at the IMO, EMSA is prepared for a lead role in this sector in the future, supporting Member State efforts to implement EU and International maritime environmental legislation.

Regulation (EU) 2015/757 is the first of several steps in the EU's efforts to include the maritime transport sector in its overall policy to reduce greenhouse gas emissions. THETIS-MRV is the system developed and hosted at EMSA to support the monitoring and reporting of verified data on CO2 emissions. Following the end of the first reporting period, EMSA supported the European Commission in gathering the data on ships of over 5000 GT operating in EU waters. These data were made public in June 2019, for around 10800 ships, thus representing the first picture of CO2 emissions from ships in the EU. The introduction of the MRV system is expected to lead to emission reductions of up to 2% compared with a business-as-usual scenario.

Technical work in support of the European Commission and different stakeholders continued with focus on alternative fuels and sources of renewable energy, marine litter, underwater noise, the revision of the Port Reception Facilities Directive, the AFS Convention, the Sulphur Directive and its enforcement, Green House Gases at international and European level thus confirming the commitment of the Agency towards sustainability goals and greener shipping.

In the field of response, the Vessel Network, the Equipment Assistance Service (EAS) arrangements and the dispersant stocks managed by EMSA, together with a regular training program for Member States constitute a real added value at EU level, highly appreciated, as can be testified by the increasing number of requests for vessels and/or equipment sets during national or regional exercises. EMSA also deployed and tested the capabilities of the light RPAS on board of EMSA pollution response vessels to support recovery operations. EMSA performed measurements of Sulphur Dioxide from vessels using RPAS.

4. Information, knowledge and training

EMSA shall aim to become one of the foremost knowledge providers within the maritime cluster.

Continuity for capacity building activities in neighbouring countries around the Mediterranean and the Black and Caspian seas is assured until 2021 through SAFEMED IV and BCSEA. These activities aim to contribute to the approximation of standards in maritime safety, security and increasingly also pollution prevention and response. This is a crucial element in the overall success of the EU's vision for its seas.

EMSA offers to Member States, candidate and potential candidate countries and neighbouring countries sharing EU sea basins an increasingly innovative, collaborative and flexible capacity building service that can be specialised and tailor-made and relies increasingly on new technologies and e-learning. The growing body of tools and guidance reflects evolving policy priorities and related stakeholder needs. Work started on virtual reality with the idea of enhancing the capacity building toolbox made available to EMSA end users.

A new concept of capacity building was introduced with the final objective to develop professional development paths, based on a structured and modular approach to training and certification of specific activities or functions, thus better supporting the competent authorities in charge at national level of Flag, Port, Coastal and Environmental functions.

Following the interest expressed by third countries, access to tools in support of Port State Control activities in different regions of the world was authorised by the EMSA Administrative Board, therefore confirming the potential for exporting the Agency's knowledge and by extension EU standards and solutions beyond the European geographical dimension.

B) Operational Achievements

1. Standards, rules and implementation

All EU ship-safety initiatives and relevant negotiations at IMO were supported by EMSA technical assistance. The combined effort of EMSA and Member States in the programme of visits and inspections – all those planned for 2019 were carried out - has provided essential feedback for Commission initiatives to assess and fine-tune maritime safety EU legislation in order to improve the efficiency and effectiveness of the measures already in place. In addition, the horizontal analyses performed have provided fundamental input for policy development and improvement of the relevant EU legislation in the area.

Preparatory work was carried out for the preparation of the new cycle of visits for passenger ship safety, the first cycle that will cover multiple Directives.

Special emphasis continued to be given to passenger ship safety and, in particular, the work on fire safety. The study FIRESAFE II represented an essential building block for the work carried out at IMO and constituted the backbone of the relevant Interim Guidelines adopted in 2019.

In addition the preliminary results of the MASS study were presented and discussed with experts from the Member States, with the objective to contribute to the ongoing work at IMO.

A new study was commissioned on Steering and Manoeuvrability, with the objective of stimulating in the near future discussions at IMO.

Work continued on the development of a new MARED Database, and EMCIP was enhanced with new features such as the Business Intelligence tool.

In the field of Human Element further enhancements of the STCW-IS were launched, aiming at the development of a web-based tool for interactive statistical review by public users.

A table top exercise focusing on maritime cyber-security was organised with the competent authorities of the Member States in charge of maritime security and the direct involvement of industry.

Cooperation was also enhanced with ENISA, and an event aiming at raising awareness on transport cybersecurity was hosted at EMSA.

Discussions were initiated with the Commission and the Member States in relation to the monitoring of Recognised Organisations, looking at options for increased sharing of information to support better Flag State responsibilities.

2. Monitoring, surveillance and information sharing

Efforts to support the digitalisation/simplification of maritime transport continued with preparatory work for SafeSeaNet (SSN v.5) to support the legal requirements for registration of persons on board passenger ships and the revised Port Reception Facilities Directive.

Progress was made regarding the development of the central Ship, LOCODE, HAZMAT and Organisations databases. Preparatory work also started for the development of the EMSWe ship database (required by Article 14 of the EMSWe Regulation (EU) 2019/1239).

The Interoperability project continued with a revised plan and set of activities with a particular focus on the European Maritime Single Window environment (EMSWe). The following projects are on-going; (i) Evaluation of security and interoperability solutions for SSN (ii) EMSWe dataset (iii) Facilitation of ship-to-shore reporting (iv) Use of reference databases to support MS authorities and EU agencies (v) VDE Capability project. Additionally, further cooperation with the European Space Agency (ESA) and Norway on the VHF Data Exchange System (VDES) took place. Through such cooperation, EMSA is exploring the benefits of VDES by means of a joint project which consists of a number of activities including the exchange of Mandatory Report Systems (MRS) reports by ships using Norway's NorSat-

2 LEO satellite with a VDES test-payload and VDES equipment on board a (test)vessel. The Long Range Identification and Tracking (LRIT) services hosted by EMSA welcomed Georgia and Tunisia to the EU LRIT CDC in July 2019.

In terms of support to emergencies at sea, EMSA provided satellite monitoring in reaction to 15 distinct activations by Member States, linked with oil pollution, search and rescue and anti-piracy.

New data, information and functionalities have been added to the IMS service, including inter-alia the availability of new vessel position reports and vessel enrichment information, long-term (2 years) historical vessel track queries and new system-to-system (S2S) interfaces. The development of ABM algorithms was stepped-up together with interested Member States and EU Agencies/Bodies. Progress was made with the rolling-out of new versions of the SafeSeaNet Ecosystem Graphical User Interface (SEG) which is gradually replacing old single system interfaces, offering a common and combined view of maritime information provided by several back-end systems operated by the Agency.

The cooperation project with EFCA on supporting EU regulation in the field of Illegal, Unreported and Unregulated (IUU) fishing came to a successful conclusion. The outcomes were integrated fully into the existing IMS provided by EMSA to support fisheries monitoring and control under a Service Level Agreement (SLA) in 2019.

Operational and technical training sessions on the Agency's Integrated Maritime Services, SEG new functionalities, ABM and SSN user management were provided in total for almost 300 personnel from Member States and EU Agencies, in addition to webinar and online training tools.

The Traffic Density Mapping Service (TDMS) became operational in 2019 and was made available to Member States and EU Institutions via the SEG graphical user interface and to the public via the EMODnet portal. The TDMs illustrates vessel movement patterns for defined maritime geographical areas and time periods contributing to a better understanding of the maritime traffic patterns.

The operational services under the Copernicus Maritime Surveillance Services, executed on behalf of the Commission, saw a 52% growth compared with 2018 in the number of organizations served. More than 41 Member State Administrations and EU institutions are now being supported by the service. The number of earth observation products delivered by Copernicus Maritime Surveillance also grew substantially (29% when comparing with 2018).

In terms of earth observation contracts, two new framework contracts were signed allowing to further acquire Radarsat-2 satellite licenses and TerraSAR-X/PAZ satellite licences. These new contracts provide a stable and robust basis for the delivery of services and enable EMSA to cope with the increased volume of earth observation service requests.

2019 was the second full year of Remotely Piloted Aircrafts Services (RPAS) operations offered by EMSA. The EMSA RPAS Data Centre which is the central hub for distributing live feeds was operational throughout the year and was continuously improved. It ramped-up its services to 642 operational days, reaching 1488 flight hours, during parallel deployments in the scope of coast guard functions in support of Member States and in the framework of the coast guard cooperation with the EU sister Agencies. During the year, EMSA delivered services in seven different Member States including two operations run by Frontex. EMSA also deployed a light-weight RPAS on board EFCA's chartered vessel "LUNDY SENTINEL" to support fishery monitoring activities.

EMSA has maintained an intensive dialogue with Member States regarding RPAS operations for maritime surveillance during the implementation of the operations, the RPAS Data Centre trainings and during the RPAS User Group which took place in September. With regards to RPAS, the main risk remains with the delays in obtaining the permit to fly for such a recent technology, with a safety legal framework still being developed. In order to mitigate this risk EMSA signed a Memorandum of Understanding with the European Aviation Safety Agency (EASA) to promote cooperation in this field.

With the objective of continuing to offer maritime digital services in support of the daily work of the competent authorities of the Member States EMSA continued working on the development of THETIS and its modules. Extending the possibilities of the original THETIS information system, EMSA concluded the work on the voluntary module for Member States to report security inspections under Regulation 725/2004. In addition, THETIS and THETIS-EU were further enhanced to cater for the Port State and Flag State provisions of Directive (EU) 2017/2110 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC. In 2019, the measurements of Sulphur Dioxide captured by RPAS services were transmitted live to THETIS-EU following its integration with the RPAS Data Centre. With the aim of reducing administrative burden for Port State Control officers, a pilot project with the Paris MOU was launched to verify the correctness of data submitted to THETIS through an enhanced webservice to facilitate communication of all dates of issue, dates of expiry and date of (re) survey of all statutory certificates as issued by the RO's on behalf of flag States to all classed ships. This pilot project is a first step towards digitalisation and better use of eCertificates.

RuleCheck is a decision-support tool, developed and maintained by EMSA. It contains all applicable maritime legislation such as IMO Conventions, Codes, Resolutions and Circulars, ILO Conventions and guidelines, relevant EU Regulations and Directives as well as the respective manuals and Instructions of the Paris, Black Sea and Mediterranean Memoranda of Understanding on Port State Control. While it was originally developed for the Paris MoU Port State Control authorities, today, approximately 1000 users from about 50 countries (Med MoU, BS MoU, Carib MoU, Indian Ocean MoU, Flag State Administrations from Member States and ENP beneficiary countries, as well as Accident Investigation Bodies from the Member States) are granted access rights. In 2019 the development of a mobile application started.

3. Environmental challenges and response

Services for the prevention of, preparedness and response to, pollution caused by ships as well as response to marine pollution caused by oil and gas installations have become more adaptable and flexible in order to increasingly reflect regional capacity, requirements and risks. In particular, responding to a recommendation of the Administrative Board, a stress test exercise was carried out in 2019 together with the Member States in order to further analyse the relevance and added value of EMSA resources in case of a major spill incident. The results of this exercise are currently being analysed with the Member States.

In the field of response, the Agency is enriching its portfolio of services, besides maintaining and renewing its existing network of oil recovery vessels, by continuing to build the Equipment Assistance Service (EAS). As regards the latter a new depot in the northern Baltic Sea became operational. The Agency also successfully completed the procurement procedure for the re-tendering of two other EAS: in the North Sea (re-tendering due to Brexit) and the southern Baltic Area. EMSA also continued improving the operational capacities of its vessels by equipping up to 5 vessels with RPAS capacity. Furthermore, as mentioned before, in the context of coast guard cooperation, EMSA equipped the EFCA chartered vessel "LUNDY SENTINEL" with pollution response equipment and provided relevant training. EFCA participated in a pollution response exercise organised under the auspices of the Italian chairmanship of the European Coast Guard Functions Forum. Regarding support to Member States in case of a chemical incident, the MAR-ICE Network was improved with the extension of its service to provide 'level 2' support, meaning that in case of a chemical incident, upon their request and depending of the availability, Member States may benefit from the assistance of an expert from the European chemical industry at their response command centre. Information on the EMSA response capacity is automatically available in the EU civil protection mechanism system CECIS, an interface has been developed and installed for this purpose.

CleanSeaNet continued to provide near real time satellite oil spill monitoring to Member States and European Neighbourhood policy projects. Due to increased efficiency of the earth observation contracts signed in 2018, the support provided to Member States could be expanded and the number of images delivered in 2019 grew substantially (more than 40%). In terms of support to emergencies at sea, EMSA provided satellite monitoring in response to 15 distinct requests by Member States, linked with oil pollution, search and rescue and anti-piracy. The support provided to emergency requests presented a 35% increase compared to the previous year.

Extensive support was given following the sinking of the “Grande America” in early March 2019, for which two EMSA oil spill response vessels equipped with RPAS were mobilised and satellite imagery was provided for detection of oil pollution at sea. In addition, satellite images were provided for assessing and monitoring several maritime accidents throughout the year.

Pollution preparedness and response priority issues identified by the Member States continued to be addressed, with working groups, workshops and guidance documents under the CTG MPPR work.

Support was provided to the Commission and the Member States in the ongoing discussions in relation to the short, medium and long term measures under the IMO’s Green House Gases Strategy, the Strategy Plan for the reduction on marine plastic litter pollution from international shipping, the implementation of the Sulphur Cap. Alternative Fuel and LNG were the subject of workshops and trainings, and continuous assistance was ensured to the Commission in support of the revised PRF Directive, as well as in the ongoing monitoring of the Ship-source pollution (SSP) Directive implementation and within the context of the European Sustainable Shipping Forum.

Support was ensured to the Commission in putting forward an EU proposal to ban the use of cybutryne from 3 October 2021 and to prohibit that ships should either bear or seal in such coatings from 3 October 2026.

As regards THETIS-MRV, following the end of the first reporting period, EMSA supported the European Commission in gathering the data on ships of over 5000 GT operating in EU waters. These data were made public in June 2019, for around 10800 ships, thus representing the first picture of CO2 emissions from ships in the EU. Support was ensured to the Commission in the analysis of such emissions data aiming at a report to be published towards mid-2020 to inform the public and allow for an assessment of the CO2 emissions and the energy efficiency of maritime transport.

In the field of implementation of the Sulphur Directive, EMSA performed measurements of Sulphur Dioxide from vessels using RPAS during 61 operational days in one Member State. EMSA could not meet the very high demand for such services from the Member States in 2019 due to technical issues and limitations in the number of available RPAS systems.

4. Information, knowledge and training

The training programme for the year was delivered, with focus on the priorities identified by the Member States following a bottom-up approach, and hands-on training on the EMSA tools that are part of the daily work of the competent authorities of the Member States. Training initiatives in the Member States made it possible to reach a wider audience. Continuous Member State’ demand for training, e-learning or ad-hoc technical assistance from EMSA confirms the Agency’s added value in this area, as does the Commission’s increasing reliance on EMSA for the implementation, in the maritime safety field, of EU policies regarding candidate and potential candidate and neighbouring countries channelled through the IPA (Instrument for Pre-Accession Assistance), Mediterranean, and Black and Caspian Sea projects.

A new training was developed and delivered in close cooperation with IMO, aiming at providing support to the competent authorities of the Member States in their preparation of the IMSAS (IMO Member State Audit Scheme) audit.

The integration of virtual reality in the toolbox of capacity building was kicked off in 2019, with the objective of using state of the art technology to the competent authorities of the Member States integrated in the new modular approach to capacity building.

Within the context of the SAFEMED IV and Black and Caspian Sea Projects assistance was offered to beneficiaries to align their national standards and practices with those of the European Union, with the aim of promoting a harmonised approach in the field of maritime safety, security and pollution preparedness/response. To this end initiatives were taken both at EMSA and in the beneficiary countries. In support of the MED MOU on Port State Control, the new module THETIS-MED was developed. The Agency also acted as facilitator in support of discussions for the introduction of an Emissions Control Area (ECA) in the Mediterranean. A number of beneficiary countries signed the Condition of Use necessary as pre-requisite for the provision of CleanSeaNet images.

ENISA

Replies to written questions

2019 Discharge of the EU decentralised agencies

WRITTEN QUESTIONS TO THE AGENCIES

Hearing on 7 January 2021

ENISA

1. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.

Could ENISA describe the main problems and communicate if any measures were/ will be taken to prevent this situation from happening in the future?

ENISA's weaknesses observed by the ECA are mainly related to the criteria used in the public procurement procedures.

To summarise, these observations are:

- a) the separation between the selection and award criteria were not sufficiently clear;*
- b) in certain cases (while procuring service contract payable by hourly rate), other qualitative (e.g. level of expertise) and quantitative criteria (e.g. number of hours per level of expertise) should have taken into account to determine the price criterion; and*
- c) the minimum average turnover requirement was set too low not preventing the risk of contractors from becoming financially dependent from this stream of income.*

ENISA welcomes these observations as it helped to further fine-tune its internal processes thereby bringing greater assurance in the procurement area. In particular, ENISA has since re-assessed its internal processes by reviewing the criteria used for contract payable by hourly rate and by requiring a minimum average annual turnover of 100% of the estimated contract value.

ERA

Replies to written questions

Making the railway system
work better for society.

CONT Secretariat
European Parliament
BE-1047 Bruxelles
Belgium

REF: JD/ET/2020/4478

Valenciennes, 02/12/2020

Sent by email only to: cont-secretariat@europarl.europa.eu

Subject: 2019 Discharge of the EU decentralised agencies

Written questions to the Agencies, hearing of the 7 January 2021

Dear Madam, Dear Sir,

In relation to the subject mentioned above, please find below the written answer from ERA to the question n° 66:

*In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.*

Could ERA describe the main problems and communicate if any measures were/ will be taken to prevent this situation from happening in the future?

ERA replies:

Finding 1:

At the end of 2018, ERA launched a call for tenders with an estimated market value of 720 000 euros for assistance in the approval process for the European Rail Traffic Management System (ERTMS) as defined in the 4th Railway Package (see Article 22 of the Regulation (EU) 2016/796 and Article 19 of Directive (EU) 2016/797). In 2019, as a result of this procurement procedure, the agency signed separate four-year framework contracts "in cascade" with three companies. The bidders' financial offers were based on a daily rate for a day of work.

The use of this sort of framework contract was not considered appropriate by the CoA considering the level of detail available on the work to be performed and the financial data not sufficiently detailed to ensure that the work was performed as economically as possible. Reopening of competition would have been a preferred option than a cascade mechanism.

The Agency assessed that the management of reopening of competition contracts for a technical assistance which last maximum 15 days per mission was inadequate, not proportionate and not showing proof of sound financial management, as it would have been impossible for ERA to comply with the legal requirement to assess the completeness of an application file for ERTMS approval within the deadline, i.e. one month maximum.

The Agency will however consider the comment for future calls for tenders.

Finding 2:

For one procurement procedure concerning the provision of catering services, with a ceiling of 500 000 euros, one member of the evaluation committee was never formally appointed.

Three evaluators were initially appointed for this call for tenders. Then, the AOD asked the Procurement service to add an additional evaluator from a business unit. The additional evaluator signed the "Declaration of non-conflict of interest and confidentiality", which is part of the file (annexed to the Appointment, and to the evaluation report). Regretfully, the Appointment decision was not updated with the additional evaluator.

The Agency recognised the clerical mistake. We will add a systematic verification step for all appointments and changes to the composition of the Committees, even when there are changes at the last moment.

Yours sincerely,


Josef DOPPELBAUER
Executive Director

ESMA

Replies to written questions

ESMA

67. In its Special Report on the Future of Agencies (SR 22/2020), the ECA noted that for ESMA the fees charged to credit rating agencies are based on revenues collected at the level of each legal entity, but not at the level of the group or related entities. This provides a quasi-legitimate opportunity to reduce or avoid fees by transferring the profits of credit rating agencies under the jurisdiction of the Union to related entities established outside the Union. The potential financial impact of this regulatory gap is unknown. What steps are being taken by the Authority to make the necessary changes to reduce the risk of inaccuracies and miscalculations?

ESMA would like to underline that this point is not related to the total amount of fees collected by ESMA but it addresses the allocation of the payment of this total amount across the supervised entities.

In order to address this issue, in the course of 2020 ESMA asked the European Commission to revise the CRA fee management legislation (which is linked to the EU CRA Regulation). Consequently, ESMA received the mandate from the Commission to prepare a technical advice for this revision. In the framework of this process, this point and the relevant risk will be duly assessed in cooperation with the Commission and with ECA.

Eventually, ESMA expects that any measures – if deemed necessary and appropriate – will be included in the Commission's legislative proposal to revise the applicable CRA legislation.

ETF

Replies to written questions

Discharge 2019: ETF written answers to questions from the CONT Committee

ETF

68. Could ETF, as Agency under the remit of DG EMPL, describe in more detail how the cooperation between the Agencies under this DG's remit is working?

- a) How often do the Agencies have regular meetings?**
- b) What does the communication between the Agencies look like?**
- c) How are possible synergies explored and how are overlaps avoided?**

The ETF continues to cooperate closely and develop synergies with other agencies. this cooperation is important for agencies operating under the remit of DG EMPL.

Together with the other four agencies, the ETF is an active member and regularly participates in EUAN agency network meetings, sub-network meetings and working groups with other agencies, such as the Performance Development Network (PDN), the Advisory Group on Working Conditions, the procurement network (NAPO) and many others.

The ETF cooperates with EMPL agencies in many different ways, and the type of communication is geared to the specific objectives and type of joint activities.

Regarding joint procurement as a way of seeking efficiency gains, opportunities for joint procurement are assessed on a regular basis and especially at the planning stage. In particular, the ETF is currently the leading institution in the joint procurement for the provision of evaluation services and CEDEFOP is a participating institution in the resulting competitive framework contract.

In the area of administration, several agencies have decided to tender jointly for staff engagement survey services to build on the already existing set of inter-agency benchmarks on staff engagement levels. The ETF is the lead contracting authority on the related framework contract to which CEDEFOP, EU-OSHA and EUROFOUND participate.

In addition, the ETF participated in an inter-institutional procurement organized by FRA for the purchase of Personal Protective Equipment (PPE) linked to the sanitary emergency.

Following the success of the risk management peer review exercises of 2019 and 2020, the ETF, together with CEDEFOP, EUROFOUND, EU-OSHA, ELA and CdT, agreed to continue to benefit from mutual exchanges and share best practice and information in the field of risk management and internal control and representatives from the EMPL agencies hold virtual meetings on a regular basis.

The ETF participates as an Observer on the Management Boards of CEDEFOP and ELA. CEDEFOP and EUROFOUND are Observers on the ETF Governing Board.

The ETF communicates with the other agencies through traditional meetings, but more recently through bilateral meetings, virtual meetings, email exchanges, exchange on information through online platforms.

The ETF has regular knowledge sharing meetings twice per year with CEDEFOP on topics of common interest and work. In 2019, the seminars focused on communication activities, centres of vocational excellence and financing work-based learning, and the relevance of digital skills and the impact of the digital economy on work, employment relations and skills – issues that are high on the current EU policy agenda. The ETF and CEDEFOP have a cooperation agreement. Identification of areas of cooperation and expected outputs is done on an annual basis. The process starts around June when the agencies have shaped their plans for work in the coming year and concludes in September for inclusion of the areas and outputs of cooperation in their work programme for the following year. The same process is followed with ETF and EUROFOUND. In addition, experts from the agencies working on similar topics have discussions on an ad-hoc basis or on a more systematic basis in the case of common projects (e.g. the collaboration on the joint Cedefop-ETF report on developments in countries' priorities for vocational education and training (the so-called Copenhagen process) and preparation of the joint conference in June 2020 together with the Croatian and the German Presidencies and the European Commission; the Cedefop-ETF cooperation on the European and global inventories of national qualifications frameworks (the latter together with UNESCO).

Synergies are ensured through the annual common work programmes. Overlaps are not probable at geographical level as per mandate of the Agencies. Possible overlaps at thematic level are avoided through communication between experts.

There is also cooperation among the agencies under the remit of DG EMPL, in flagship initiatives led by DG EMPL such as the European Vocational Skills Week. The agencies, together with EIGE and FRA, contributed to a consultation meeting organised by DG EMPL in October 2020 as part of the consultation launched by the Commission Communication "A strong social Europe for just transitions" to prepare the Action Plan for the European Pillar of Social Rights.

In relation to the European Parliament, the agencies under the remit of DG EMPL participate in a joint session with the Employment and Social Affairs Committee once a year to present the work of the five agencies and discuss priorities. There has also been cooperation on crosscutting issues like platform work on which a joint briefing by the agencies had been organised with the EMPL Committee to share the expertise of the five agencies with MEPs – however this was put on hold due to the COVID restrictions.

EU-LISA

Replies to written questions

II. INDIVIDUAL QUESTIONS (DISCHARGE 2019)

eu-LISA

70. Has the Agency been able to fully digitalise its procurement procedures? If not, which areas are still to be completed and by what time does the Agency preview the full digitalisation of its procurement processes?

In 2020 the Agency started using the e-submission tool put at disposal by DG DIGIT for its open procedures, allowing economic operators to submit their tenders in digital format. However, the tool still does not support e-submission for all types of tender procedures. As soon as e-submission will be evolved to accommodate additional types of procedures, the Agency shall immediately switch to them.

71. What has the Agency done in order to raise awareness of its e-learning module on the prevention of harassment and how many of the staff have already completed this module?

To raise awareness of the e-learning module on the prevention of harassment, the Agency ensured the active participation of staff when preparing the module. Video and photo shootings with real staff were used in line with data protection provisions. Communication was performed through different channels and was intensified in 2020. The module was also integrated as part of the newcomers onboarding programme. By today 53 staff members are either in the process of following the module or have completed it.

72. Were there any cases of burnout reported in 2019 among the Agency staff?

No cases of burnout were reported in 2019 for the Agency staff.

73. How many of the 40 in-house training activities organised in 2019 concerned whistleblowing/ prevention of conflicts of interest/ staff well-being?

In 2019 the Agency organised one session on ethics and integrity with a focus on whistleblowing and fraud delivered by a representative of OLAF, two sessions on ethics and code of conduct covering the prevention of harassment and whistleblowing with the involvement of eu-LISA's Confidential Counsellors as well as three sessions on conflict of interest.

EU-OSHA

Replies to written questions

2019 DISCHARGE QUESTIONNAIRE

- REPLY TO QUESTION No 74 -

74. Could EU-OSHA, as Agency under the remit of DG EMPL, describe in more detail how the cooperation between the Agencies under this DG's remit is working?

- a) How often do the Agencies have regular meetings?
- b) What does the communication between the Agencies look like?
- c) How are possible synergies explored and how are overlaps avoided?

a) How often do the Agencies have regular meetings?

EU-OSHA has established close cooperation with the other agencies under the remit of DG EMPL and beyond. The cooperation takes place at several levels:

- **Mutual representation in Management Boards:** EU-OSHA participates in MB meetings of Eurofound (1-2 meetings per year), ELA (2 meetings in 2020) and EIGE (2 meetings per year).
- **The overall network of EU agencies, EUAN, and the subnetworks:** The Heads of Agencies typically meet twice per year, whereas the subnetworks in general meet 1-2 times per year. In working groups established around a specific task, meetings may be more frequent. In addition, during 2020 a number of mutual learning meetings on specific topics have been organized under the Performance Development Network.
- **Strategic cooperation on programming:** EU-OSHA exchanges draft versions of its Single Programming Document with other agencies, in particular Eurofound (see under (c)). This involves bilateral meetings to identify possible overlaps and synergies, and to discuss joint actions where relevant.
- **Topic specific collaboration, inter alia:**
 - o Peer review of corporate risk assessment between EU-OSHA, Cedefop, Eurofound, ETF and CdT. The involved agencies continue their cooperation to exchange good practices on risk management and internal control.
 - o Joint procurement procedures seeking efficiency between the involved agencies. Each procedure may involve several meetings to agree on tender specifications, etc.
 - o Mutual representation in expert groups (Advisory Groups etc).
 - o Performance Management: EU-OSHA, Cedefop, Eurofound and ETF have worked together on the follow-up to the four agencies' evaluation commissioned by DG EMPL, including two meetings in 2019 and 2020. The

scope of this cooperation includes streamlining of performance indicators, exchange of good practices, joint exploration of the possibilities for measuring outcomes and impacts.

The above are just some examples. Across the responsibilities of EU-OSHA, staff in charge of the various tasks have ongoing and regular contacts with relevant colleagues from other agencies aiming at information exchange, development of common approaches, etc.

It should be added, that EU-OSHA seeks cooperation with other agencies where it is mutually beneficial. This is often the case with other agencies within DG EMPL's remit, but it may also be agencies in other policy areas, for example because of geographical location (Agencies located in Spain) or because of the topic (for example, EU-OSHA has cooperated closely with ECHA on dangerous substances).

b) What does the communication between the agencies look like?

The agencies are flexible when it comes to communication and aim at using a communication form that is suitable for the task at hand. This may be achieved through traditional face-to-face meetings. However, such meetings are increasingly replaced by other more efficient communication forms, such as bilateral contacts, virtual meetings, e-mail exchanges, online work on shared documents, exchange of information via online platforms, etc.

c) How are possible synergies explored and how are overlaps avoided?

EU-OSHA and other relevant (for this purpose) agencies (Eurofound, Cedefop, EIGE and ECHA) exchange their draft Single Programming Documents early in the programming phase for comments. As the Single Programming Document includes a multi-annual plan it gives all involved a good idea about possible areas of overlap and synergies. With Eurofound, which is the Agency with a mandate closest to that of EU-OSHA, a memorandum of understanding and an annual action plan are in place to avoid overlaps and ensure synergies where possible.

In addition, EU-OSHA is participating in a series of workshops where ELA and other relevant EU bodies will discuss future cooperation in all of the Authority's activities with the aim of avoiding overlaps, promoting synergies and ensuring complementarity of activities. As a result, ELA may conclude cooperation agreements with the relevant Union bodies.

EUROFOUND

Replies to written questions

Reply to the CONT committee on individual questions raised in the context of the Discharge 2019 procedure

Question 75:

In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.

Could EUROFOUND describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

The comment of the ECA related to the wrong use of a procurement procedure for services that were slightly different from 'standard' procurements (e.g. provision of electricity in a regulated market). In the exchange with the ECA we were made aware that our interpretation of the Financial Regulation in this specific area was incorrect. There were no significant implications by having used the methodology as per our interpretation. However, our procedures and internal guidelines were updated to the revised interpretation which will avoid future situations of this kind. Our general ex-ante due diligence in preparing a tender, including consultation with peers and other experts in the area of procurement has continued as is.

Question 76:

Could Eurofound, as Agency under the remit of DG EMPL, describe in more detail how the cooperation between the Agencies under this DG's remit is working?

Cooperation takes place in a variety of formats and with different levels of intensity depending on purpose and context. It should be noted that cooperation extends beyond the Agencies under the remit of DG EMPL in the context of the EU agency network (EUAN) where sharing of services has been a strategic priority for many years to ensure efficient cooperation.

Eurofound has cooperation agreements with EIGE and FRA, and at the level of sub networks there is very frequent exchange on experience on operational issues.

For the purpose of this question our replies will focus on the cooperation with EU-OSHA, Cedefop, ETF and ELA only.

a) How often do the Agencies have regular meetings?

- Annually at the level of Executive Director to explore and agree on specific actions within the context of bilateral Memoranda of Understanding
- Bi-annual meetings (at minimum) between staff in the area of research, communication and administration about implementing joint actions:
 - o Project meetings with Cedefop to jointly carry out the 4th European Company Survey, including developing the survey questionnaire and coordinating the fieldwork which was completed by end 2019 and led to technical reports. This entailed physical meetings with the steering group and among colleagues as well as cooperation via e-mail and Teams. To disseminate the survey's findings a joint communication strategy was developed including a joint launch event and webinars in 2020.
 - o Specific meetings with Cedefop, ETF and EU-OSHA to align our performance indicator methodologies as a follow-up to the Commission's recommendation received in 2019 based on the 2017 four-agency evaluation (recommendation 5 of the SWD(2019)159).
- Annual peer review on risk management. We have continued to exchange on topics related to internal control.
- Regular meetings with Cedefop and EU-OSHA in the context of their updated Founding Regulation (published early February 2019).

b) What does the communication between the Agencies look like?

- The communication is at dedicated meetings (via video conference) based on a mutually agreed agenda.
- Actions are documented in action plans and implemented in the form of joint projects or exchange of data, or delivery of expertise (e.g. accounting or evaluation expertise)
- We regularly take part in recruitment panels and tender evaluation committees.
- Longer term service level agreements are implemented, for example with ELA for which Eurofound's accounting officer will also act as accounting officer.

c) How are possible synergies explored and how are overlaps avoided?

- Annual work programmes are exchanged for comments and suggestions prior to approval at Management Board level
- Mutual participation in Management Board meetings (as observers)
- Ex -ante or interim evaluations and preparation of projects include options for collaboration

EUROJUST

Replies to written questions



Discharge 2019 – EUROJUST individual replies to the European Parliament CONT Written questions

II. QUESTIONS TO BE ANSWERED BY EUROJUST

77. What is the state of play of the complaint from June 2020 for serious charges, such as fraud, corruption, abuse of power, maladministration, and harassment, brought by a group of employees from Eurojust, against the Agency's administrative director?

78. Has the Agency conducted an internal investigation and to which period do these charges refer?

Eurojust (joint answer to questions 77 & 78):

An initial anonymous complaint was sent to OLAF and numerous other addressees on 12 May 2020. The email contains allegations against several members of Eurojust's senior management. Eurojust contacted the Director-General of OLAF in writing on 28 May 2020 to request an independent inquiry at the earliest opportunity.

On 8 June 2020, a nearly identical complaint was sent to, *inter alia*, all of Eurojust's National Members and several large news outlets. On 9 June 2020, the College of Eurojust discussed the matter and reaffirmed the importance of an impartial assessment of the allegations. Against this background, Eurojust sent a second letter to the Director-General of OLAF on the same day to reiterate the request for an independent inquiry.

To enable OLAF to investigate, Eurojust had to first sign up to the Interinstitutional Agreement of 25 May 1999¹ concerning internal investigations by OLAF, and adopt a College decision regarding such type of investigations. This was done in July 2020. As OLAF's investigation is ongoing and due to confidentiality reasons, it is not possible to share more details at this stage. Eurojust cannot conduct an internal investigation in parallel whilst OLAF's investigation is ongoing.

Eurojust would like to assure the European Parliament that it takes this matter very seriously. The Administrative Director and the President have recused themselves from dealing with matters regarding this complaint, as they are specifically mentioned in the complaint. Eurojust is strongly committed to the principles of legality and transparency and for this reason we have appointed a contact point for the investigation, who is not mentioned in the complaint, in order to safeguard compliance and independence. We have already indicated to the LIBE Committee that it will be kept informed of any developments regarding the outcome of the inquiry and undertake to also keep the CONT Committee informed.

¹ Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF).



79. What was the number of reported whistleblowing cases within the Agency in 2019?

Eurojust: No cases have been reported in 2019.

80. What were the activities that the Agency took in order to raise awareness about safe channels for whistleblowing/ prevention of conflicts of interest/ staff well-being?

Eurojust: Following the adoption of guidelines on whistleblowing by the College of Eurojust on 29 January 2019 ([College decision 2019-02](#)), Eurojust has put in place several awareness-raising initiatives. A presentation on whistleblowing was given to all Eurojust staff in November 2019, and a leaflet with key information on this topic has been prepared. All post holders received this leaflet by email, and it is also available on Eurojust's intranet.

EUROPOL

Replies to written questions

2019 Discharge of the EU decentralised agencies

WRITTEN QUESTIONS TO THE AGENCIES

Hearing on 7 January 2021

EUROPOL

1. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that in nine Agencies (**BEREC, Cedefop, EASA, EFSA, EMA, ENISA, ERA, Eurofound, Europol**) the audited contracts were affected by public procurement shortcomings of different kinds, mostly concerning sound financial management and irregularity.
Could Europol describe the main problems and communicate if any measures were/will be taken to prevent this situation from happening in the future?

As outlined in Europol's response to the observation of the European Court of Auditors (ECA), the framework contract extension was launched well in advance of its initial expiry at the end of March 2018. Europol is of the opinion that it exerted due diligence and that the delay for the extension of the contract was caused by the fact that Europol applied the principle of sound financial management. Although, a new framework contract for business travel services entered in force in April 2019, Europol decided to extend the old contract for business continuity reasons. Europol ascertains that the prolongation in 2019 was the result of a conscious business decision and does not constitute a weakness in ex-ante control. This notwithstanding, a dedicated audit on contract management will be performed in 2021, to obtain independent assurance on the adequacy of Europol's contract management arrangements.

2. Could CEPOL and Europol describe in detail what their cooperation and coordination of activities look like?

CEPOL and Europol closely cooperate on senior management, mid-management as well as on expert level. The intensity and the quality of cooperation is considered by Europol as exemplary, contributes to the delivery of effective law enforcement training as well as the promotion of Europol services within the EU law enforcement community via knowledge building.

The two agencies implement around 9 joint training activities year-by-year in the areas of child sexual abuse, counter terrorism, digital forensics, synthetic drugs, criminal analysis, informant handling, witness protection, explosives and passenger name record data analysis. These joint learning actions are executed under an agreement on cooperation concerning training activities organised jointly by Europol and CEPOL signed in 2013, which is renewed and updated on an annual basis. There is also a strategic agreement in place between the two Agencies since 19 October 2007.

Moreover, Europol contributes with trainers to over half of CEPOL residential training activities and numerous online courses, webinars and online modules in particular in the area of serious organised crime, counter terrorism, cybercrime, law enforcement cooperation, leadership and law enforcement techniques. CEPOL trainings have always highlighted the core function and the added value of Europol to cross-border operational cooperation to guarantee that European law enforcement agencies benefit from its essential services. Furthermore, CEPOL is organising study visits to Europol in the context of law enforcement training.

The excellent collaboration within the EU policy cycle on serious and organised crime needs to be highlighted as well, where CEPOL is represented in all criminal priorities delivering trainings on actual criminal threats in line with the contemporary operational requirements ensuring the coordinated and harmonised planning and implementation of training and learning actions.

Europol is also one of the key players supporting the EU Strategic Training Needs Assessment (STNA) run by CEPOL, aiming to identify strategic priorities for law enforcement training in the multiannual perspective.

Europol and CEPOL also signed a Service Level Agreement (SLA) that covers Europol's support to activities for three different contribution agreements that CEPOL entered into with the Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR) of the European Commission. The contribution agreements are on TOPCOP, EUROMED and WB PaCT (further

details available online). For each of the activities Europol has recruited a contract agent (funded by the contribution agreements under the SLA) to support Europol's share in the work.

Both agencies also cooperate under the umbrellas of the EU Agencies Network (EUAN) and of the Justice and Home Affairs (JHA) Agencies Network respectively (e.g. regarding corporate risk management).

3. How often do the Agencies have regular meetings, what the communications between the Agencies looks like?

In Europol there is a dedicated staff member dealing with CEPOL matters who is in constant touch with the CEPOL training sector regarding joint matters. CEPOL and Europol staff continuously meet in various fora, such as Council Working Groups, working meetings as well as EMPACT operational meetings.

Regular contacts also take place in the framework of the JHA agencies network and EUAN Network. In 2019, Europol chaired the JHA Agencies Network with best practices exchanged and discussions on topics of relevance for the JHA Agencies Network. Topics on performance development, communication, IT, procurement, and legal matters are also discussed at EUAN level. There is regular contact at Executive Director level also.

Besides the EMPACT/EU Policy Cycle on fighting crime mechanism, the coordination of activities are guaranteed by various other measures as well, given that Europol and CEPOL are represented in each other's key expert groups responsible for programming and planning. For example, the Europol Counter Terrorism Centre (ECTC) is invited to the CEPOL Knowledge Centre on Counter Terrorism, a Europol expert is regularly engaged in the evaluation of training proposals within the CEPOL grant mechanism, CEPOL is a member of the Programme Board of the European Cyber Crime Centre (EC3) at Europol and CEPOL joined the recently established EU Innovation Hub at Europol.

4. How are possible synergies explored and how are overlaps avoided?

Europol considers that synergies can be exploited and potential overlaps be avoided through continuous coordination and by ensuring information sharing where necessary. This happens at various level with the JHA Agencies Network, being one of the most important fora for discussion with other JHA Agencies. The EUAN network is of course another important forum for discussion in particular for matters of administrative nature.

Europol's main cooperative efforts on training are of course via CEPOL who in turn cooperates with other agencies. The participants of these training activities are mostly from the Member States but also to some extent other agencies. This fact produces synergies and promotes a common understanding of different aspects of law enforcement.

Synergies are also explored via the exchange of annual procurement plans and by setting up shared services working groups in particular with the other EU agencies or EU institutions located in the Netherlands (Eurojust in the Hague, EMA in Amsterdam, the JRC in Petten). The shared services intend to align the procurement plans and activities as much as possible for contracts of common interests in particular in the field of facilities which usually attract local providers or for services which can be commonly shared (recent examples include: courier services; emergency response training services; mobile telephony; fixed telephony services, car leasing, insurances, catering services; catering consultancy).

In addition to the synergy with other EU agencies, Europol has also reinforced its collaboration with the Host State (The Netherlands) in order to launch joint procurement procedures in particular in the field of utilities contracts where Europol can benefit from the volume and expertise of the Host State in specific markets (such as energy and post services).

5. In the Annual Report on EU Agencies for the financial year 2019, the ECA concludes that weaknesses in the internal control systems used in the procurement procedures were found. Could EUROPOL describe what the problem was and whether any measures were/will be taken to prevent this situation in the future?

Europol holds the view that there are no systemic weaknesses in the internal controls for procurement and that the tender procedure referenced by the European Court of Auditors (ECA) complied with the applicable requirements set out in Annex I of the applicable Financial Regulation. The tender documentation included the subject matter of the procurement and the applicable exclusion, selection and award criteria, thus allowing for competitiveness. The formula

chosen to calculate the final score reflected the best price-quality ratio concept. On the way forward, in the interest of competitiveness, the Agency is refining the minimum threshold points for the most relevant criteria where required. Concerning the discount given by the contractor in the specific order form audited, the contractor had finally offered a higher discount than the standard rate included in the contract. Europol thus applied sound financial management in line with the provisions of the contract, and is nonetheless reviewing its ex-ante checks, as part of regular continuous improvement efforts.

6. The turnover rate for 2019 for the Agency was 11.7%. What measures has the Agency conducted to reduce this rate?

The staff turnover at the end of 2019 was the result of the high number of resignations and number of contracts ending in 2019.

Europol is a unique agency with a relatively high staff turnover, due to the temporary nature of around 60% of the staff contracts, namely for law enforcement staff who can only serve contracts up to a maximum of 9 years.

The turnover rate is closely monitored throughout the year to inform the decision-making processes with the aim to achieve a low turnover rate at year-end.

7. The Annual Activity Report mentions the Management Board's concerns regarding the budgetary and staffing shortfall. Could you provide the Discharge authority with an estimate of the budgetary and staffing levels considered appropriate by the Agency?

The Europol Management Board (MB) requested, in 2019, a budget of €146.1 million, to address the necessary investments in the building and operational and ICT initiatives, including funds to continue the secondary security checks at the hotspots via Europol's budget instead of via grants. In terms of human resources, MB requested for 2019 an increase of 43 Temporary Agents (TAs) for a total of 619 (an increase of 15 TAs was approved for a total of 591), and expected the number of contract agents (CAs) and Seconded National Experts (SNEs) to stabilise at 209 and 71 respectively.

For 2020, the Europol Management Board approved an estimate of €174.8 million as budgetary funds and an additional number of 66 Temporary Agents (TA), next to a steady level of 235 Contract Agents (CA) and SNEs. Compared to this, following the proposal of the European Commission, the budgetary authority granted an EU contribution of €154.1 million and 24 TAs in 2020.

For 2021, a budget of € 173 million is foreseen (the estimate by the Europol Management Board was € 184.9 million), no increase in TAs or SNEs (63 additional TAs, 22 additional SNEs were requested) and a level of 235 CAs (in line with the estimate of the Europol Management Board).

In view of the forthcoming Europol Regulation recast, a boost of resources of Europol to implement the enhanced mandate and continuously increasing demand in the forthcoming Multiannual Financial Framework (MFF) 2021-2027 would be required, as also expressed in the Council Resolution of 9 November 2020 on the Future of Europol. A corresponding resource proposal has been included in the legislative financial statement enclosed to the proposal for the Europol Regulation recast as published by the European Commission in December 2020 (i.e. 178 Million on top of the MFF projections for 2022-2027, 160 additional TAs and a steady level of 235 CAs).

8. Were there any cases of burnout reported in 2019 among the Agency staff?

Yes. The number of cases in 2019 is not available to Europol, as the medical provider (in place until the end of 2019) has not provided the respective information. In 2020, Europol started to have its own medical service whose support to the organisation has been instrumental, in particular in light of the COVID-19 pandemic. The medical service also keeps an overview of relevant information and the number of burnout cases since the beginning of this year to date is a total of 7 (seven). Considering an overall number of staff of 971 at the end of November 2020, the number of 7 burn-out cases represents 0.7% of Europol's workforce. Europol's medical service has provided continuous advice to staff to uphold health and wellbeing during the current COVID-19 pandemic.

9. What were the activities that the Agency undertook in order to raise awareness about safe channels for whistleblowing?

Europol has an ethics package which covers the aspect of whistle-blowing. The guidance and related procedures are available to all staff via the Europol Vademecum and dedicated intranet page outlining the available reporting options, both internal and external to OLAF, and the corresponding contact details. Europol also has an ethics contact point for any questions, which can also be addressed to the Internal Audit Capability (IAC) of Europol (Europol independent Management Board function).

Europol organises regular information sessions for staff. Additionally, an ethics e-learning module, including available reporting options and the applicability of the policy and case examples, is part of the induction process for newcomers and dedicated sessions are provided to staff in management positions (last awareness session held in December 2020).

FRA

Replies to written questions

2019 Discharge Follow-up Survey CONT Committee

Questions for FRA

90. Given the responsibilities of FRA, which is like CEDEFOP and EIGE mainly concerned with research, data collection and analysis aimed at supporting EU institutions and Member States in developing policies:

a) Does the Agency analyse how its outcomes and reports are used in practice?

b) Does it consider this evaluation sufficient or are there any plans to improve this monitoring of impact on policymaking?

Reply:

a) *On a continuous basis, the Agency tracks references to its findings and the opinions formulated in its reports across European Union policy and legislative documents, such as European Parliament resolutions, Council conclusions or Commission Communications. These references are collected throughout the year and published annually in the Consolidated Annual Activity Report in the annex 'Core Business Statistics' which are collected as part of FRA's Performance Measurement Framework (PMF) to assess the impact of its activities.*

The framework is based on an intervention logic that outlines a framework of objectives linked to the entire range of FRA activities. An objective is what an activity or a set of activities is aiming to achieve and the logic of intervention identifies four levels of objectives.

The PMF contains 31 key performance indicators for assessing, from a quantitative and qualitative standpoint, the short-term results and outcomes of FRA's activities. These indicators are differentiated by level of achievements (i.e. output, short term impacts, long term impacts and aspirational impacts) following the levels of intervention of the intervention logic. FRA also regularly conducts ex-post evaluations of particularly resource-intensive projects to gather stakeholder feedback on outcomes. It also involve a wide range of external stakeholders on the implementation and appropriateness of its multi-year strategies and objectives through a midterm review performed by an external contractor. In addition, the Agency collects targeted feedback from stakeholders through consultations, e.g. consulting the Council of Europe, National Human Rights institutions, Equality bodies, EU Decentralised Agencies and international organisations on its Programming document and consulting its civil society network (the Fundamental Rights Platform) on the impact of the Agency's Fundamental Rights Report. Finally, feedback on effectiveness, efficiency and impact of FRA is gathered through periodic external evaluations, which are conducted every five years.

b) *In addition to its overall external evaluation the FRA carries out regularly evaluation activities to strengthen accountability and transparency providing empirical evidence on the results achieved, this improving with opportunities to learn more about the effectiveness and performance of Agency. In this context, the 'Interim evaluations' are conducted whilst a project is on-going and aimed at improving the relevance of the intervention. They contribute to the assessment of project's objectives as well as first outputs and effects. These evaluations can provide a 'snapshot' of performance to date, and is useful to give indications where adjustments need to be made to ensure an intervention can be geared to reach its objectives fully by the time the project will be completed. Similarly, the 'ex-post evaluations' assess the extent to which the impacts of a project were achieved as intended. They evaluate the project*

based on selected evaluation criteria or evaluation questions depending on the objectives of the evaluation and expected lessons to be learned from its implementation.

While evaluations proved to be a valuable tool to assess FRA's impact, the Agency is planning to simplify, streamline and further enhance its performance monitoring and reporting system. This review will be done taking into account the new Guidelines set by the Commission on the strengthening of the governance of Union Bodies under Article 70 of the Financial Regulation 2018/1046 and on the guidelines for the Single Programming Document and the Consolidated Annual Activity Report. These guidelines, among other things, require the Agency to progress in the achievement of the objectives is monitored (e.g. expected results and key performance indicators with targets) both for the multi-annual work programme and annual work programme. In this regard FRA will revise in 2021 its framework of indicators to better assess the impact of the Agency at both multi-annual and annual programming level and report on the achievements. In particular, the simplified framework should further improve the linkage of indicators to the typologies of FRA products and services especially focussing on those indicators that serve to measure the take-up of FRA's work and its potential for policy-influencing.

91. The ECA Special Report on the Future of EU Agencies (SR22/2020) says that some Agencies (EIGE and FRA) still organise their own evaluations rather than having them steered by the Commission as prescribed by the Common Approach. What are the reasons for this?

FRA's founding regulation hasn't been reviewed yet in light of the Common Approach.

In line with its Founding Regulation (EC) No 168/2007, Article 30, Paragraph 3, the Agency shall commission an independent external evaluation of its achievements during the first five years of operations based on terms of reference issued by the Agency's Management Board in agreement with the European Commission. As result, the first FRA external evaluation was carried out in 2012.

As per Management Board Decision 2015/11 adopted on 16 December 2015, it was decided that external evaluations of the Agency should be undertaken with a periodicity of 5 years, to launch the next external evaluation in 2016 and to have its result provided in 2017. In line with Decision 2015/11, FRA has issued the report of its second external evaluation on 31 October 2017. According to the Founding Regulation, and inherent to its independence, the Terms of Reference of the Agency's independent external evaluation should be issued by the Management Board 'in agreement with' the Commission. Therefore, the external evaluations are steered by the Agency's Management Board and performed by an independent external contractor.

The two reports of the external evaluation can be found at the following links:

- 1st independent external evaluation (Nov 2012): https://fra.europa.eu/sites/default/files/fra-external_evaluation-final-report.pdf
- 2nd independent external evaluation (Oct 2017): https://fra.europa.eu/sites/default/files/fra_uploads/2nd-fra-external-evaluation-october-2017_en.pdf

On 05 June 2020 the Commission has proposed to amend FRA founding regulation.

92. What was the number of reported whistleblowing cases within the Agency in 2019?

No cases of whistleblowing were recorded in 2019.

93. What were the activities that the Agency took in order to raise awareness about safe channels for whistleblowing?

During 2019 several info sessions were delivered to raise awareness on the adopted guidelines for whistleblowing including explanation of available options for reporting serious wrongdoings.

94. What was the status of implementing e-procurement procedures in 2019?

FRA is publishing all its open call for tenders on e-Tendering since the beginning of 2019. In 2019 FRA completed all preparatory steps of the e-Submission on-boarding process with DIGIT, including the kick-off meeting, completion of start-up form and definition of on-boarding plan and was ready to publish the first call for tender by December 2019. FRA published its first open call for tenders with e-Submission during the first quarter of 2020.

FRONTEX

Replies to written questions

FRONTEX

98. The ECA Special Report on the Future of EU Agencies (SR 22/2020) says that Frontex recently received a large number of new posts, but has been struggling to recruit all the necessary personnel and record high vacancy rates in 2018 and 2019.

a) What were the main issues in this area?

Frontex believes that the main issues were correctly **reflected in the audit report on human resources planning, allocation and recruitment established by Commission's Internal Audit Service in April 2020**. The main points related to the question are reproduced as follows:

*"...The IAS acknowledges the dedication of the Agency's staff and on-going efforts to launch a large number of staff selection procedures. **169 procedures have resulted in 536 newcomers recruited between 1 January 2017 and 31 August 2019, within the relatively short period of existence of the EBCG Agency under a completely new mandate since the entry into force of its new regulation at the end of 2016**. At the same time, Frontex services were facing the **challenge of designing the new tasks deriving from the new mandate and implementing a major internal restructuring**, which included the creation of new organisational units and the replacement of all heads of division that followed the reshuffling of two operational divisions into four and the retirement of two heads of divisions. Despite these changes, the Agency managed to establish and implement some selection and recruitment procedures (such as the quality control of vacancy notices, the timely mobilisation of selection committees, the prevention of conflicts of interests in selection committees) that overall comply with legal requirements.*

...

*In an attempt to compensate for the low correction coefficient (CC), Frontex tends to open vacancies at higher grades than would normally be required. This approach has negative consequences in the short and long-term. Higher starting grades lead to long term dead-end careers. **The positions advertised externally at high grades are very attractive to candidates from already over-represented Member States and to internal candidates, resulting in high internal turnover, which increases the overall volume of selections...***

b) What measures have been taken to improve the situation?

The above IAS report indicates the following efforts to cope with the situation: *"...The IAS acknowledges that **since the EBCG Regulation entered into force, Frontex has been facing tremendous challenges in the area of staff planning, allocation, selection and recruitment**. While the related controls were generally adequately designed and correctly implemented, they were established under the Agency's former legal basis for a much smaller organisation. Thus, by the end of 2019, **Frontex did not manage to modernise the related processes and to take proper account of the upscaling of its operations resulting from the extended mandate...***

Moreover, it projects as one of the key recommendation that *"...The Agency should, as a matter of priority, prepare a new human resources (HR) strategy for its next phase of growth, taking into account lessons learnt from the previous HR strategy (2016-2019)..."* focusing on Strategy and monitoring, Staff allocation process and Attractiveness as an employer and grading.

GSA

Replies to written questions



II. QUESTIONS TO BE ANSWERED BY INDIVIDUAL AGENCIES

AGENCY NAME: GSA

Question 97:

The ECA Special Report on the Future of EU Agencies (SR 22/2020) concludes that GSA is struggling to recruit staff with the necessary technical expertise and that lower remuneration packages in certain Member States are a particular obstacle to recruitment.

- a) What are the other obstacles?
- b) What measures have been taken to attract staff with the necessary technical expertise?
- c) Has the shortcoming of staff with adequate technical expertise influenced effective functioning of the Agency?

Reply:

The Agency operates in a very specialized domain, in the areas linked to 'space' which are very specific with niche profiles. There is a natural talent shortage which requires strong competition with other space agencies and industry. The Agency does not agree that it is struggling to recruit staff with the necessary technical expertise, and the attractiveness of the Agency's operational (technical expertise) vacancies has increased in recent years, witnessed by an overall increase in the average number of applications per operational vacancy notice of 25% in 2020 compared to 2019. The Agency notes that it has sites in a number of Member States including the Czech Republic, France, Spain and the Netherlands. The differences in remuneration between the Member States are a fact of the implementation of the Staff Regulation, but the Agency is confident it has an attractive overall package to recruit and retain staff in each of its sites, witnessed not just by the increase in applications per vacancy notice, but also by a reduction in average number of resignations of staff, for 2020 we have registered a turnover of 4.65% meanwhile in 2019 it was 5.91%.

The Agency constantly continues and further improves its effort to attract, recruit and retain highly competent staff through more integrated talent acquisition and development approach. This is supported through processes of strategic workforce planning including external and inter-agencies recruitment and internal staff deployment promoting career development.



New measures introduced include stronger employer branding, including highlighting the uniqueness of this European project, and visibility through robust online presence of the Agency in key social media platforms. The agency invests in expanding the field of candidates it reaches, including reaching passive candidates, by utilising extensive and targeted advertising of the vacancy notices through the new GSA e-recruitment tool, specialised job boards as well as social media.

Examples where the Agency is publishing its vacancy notices (not an exhaustive list): EPSO, Spacecareers, Eurojobs, EU Agencies Network, Space Defence Security Jobs, Careersin.space, Trusted Jobs, Euro Engineer Jobs, Space INDIVIDUALS etc.

The selection process is being progressively streamlined integrating multiple recruitment solutions such as the use of the video-interviewing suite. The use of various online tools leads to more efficiency, i.e. shorter selection time and faster hiring, which is positively recognized by candidates. The Agency stresses the importance of a memorable candidate experience by providing clear and timely communication to candidates regarding the progress of the selection process, including feedback sent to all candidates. In addition, job titles and tasks descriptions used in the vacancy notices are continuously reviewed to reflect as much as possible the industry language. Where possible the agency builds talent pools - reserve lists - to allow faster hiring for critical positions.

The Agency also puts at the disposal of its staff members with families, the multilingual tuition scheme, where it offers coverage of tuition fees in large pool of international schools. This measure has proved to be a strong staff retention factor.

The Agency, thanks to the measures above, is well facing the challenges of the particular market we are operating in and no negative effect has been no negative effect on the functioning of the Agency.