

2014 Discharge of the EU decentralised agencies

WRITTEN QUESTIONS TO THE AGENCIES

Hearing on 28 January 2016

I. QUESTIONS TO BE ANSWERED BY ALL OF THE AGENCIES AND/OR BY THE AGENCIES' NETWORK

Budget and financial management

1. Performance based budgeting, key performance indicators and measurement tools are recognised as important instruments for enhancing budget control. To what extent have these instruments been implemented, what have been the results so far and what activities are planned for the coming year?
2. All Agencies continue to struggle to improve and strengthen the implementation of the budget. What actions have been taken to address this problem?

Commitments and carryovers

3. We understand that carry overs are often planned and unavoidable. Could all agencies that have observations in the Court of Auditors' report on carry overs please indicate the reasons behind these carryovers and whether they have the potential to cause any problems for the agency in terms of budgetary planning.

Internal audit and internal controls

4. Decentralised agencies are subject to the audit by an external auditor on behalf of the European Court of Auditors (the Court). The costs associated with these external audits are at the expense of the individual agencies. What is the budgetary impact of these audits on the agencies' budget and what savings could be achieved for agencies by having them audited by the the Court?

Procurement and recruitment procedures

5. The European Court of Auditors strongly recommends that each agency, regardless of its size and capacity of financial and human resources, should employ a specialist on public procurement. Did all agencies follow this recommendation and employ a specialist solely for public procurement? Do you see potentials for creating synergies by common procurement procedures including more than one agency? Is it considered an alternative to incorporate the public procurement for agencies with the Commission services instead?

6. Can each agency explain their policy on recruiting Seconded National Experts and how each respective agency gets the best value for money out of these postings?
7. What is the amount paid for procurement contracts signed in 2014 by each agency? What checks were carried out on subcontractors, if any?

Prevention and management of conflicts of interests and transparency

8. Does every agency have an anti-fraud strategy in place? If no, what are the reasons for not implementing an anti-fraud strategy? Is there already a time plan for developing such a strategy? To what extent have the guidelines for agencies' anti-fraud strategies, elaborated upon by OLAF, been implemented and what have been the results?
9. A serious lack of transparency still remains in recruitment procedures in several cases, and some agencies have difficulties in providing the signature of a Statement of absence of conflict of interest. Moreover, Agencies often use interim staff hired through temporary employment agencies. Can they provide specific data about this phenomenon (e.g. about the number of interim staff, contract duration, level of expenditure ...)? Which are the temporary employment agencies involved in hiring temporary interim staff? Can the Agencies provide data about the annual expenditures for the hiring of these external consultants (i.e. details for each agency)?
10. Regarding EMA and EFSA, but also with regard to other agencies, the EP and several NGOs have expressed great concerns about the transparency of the agencies and the possible conflicts of interests of experts, management board and staff. Could all the respective agencies give a precise state of play of the implementation of the conflict of interest policy? What actions have been planned in 2016 to achieve the avoidance of conflicts of interests? In which way and how often is the factual correctness of the given declarations of interests checked?
11. Which agencies have not until now published the CVs and declarations of interests of their management board members, management staff and external and in-house experts on their website? What is their explanation for not having done so?
12. Seconded national experts, external and interim staff and so-called independent experts are not specifically mentioned in the guidelines on the prevention and management of conflicts of interest in EU decentralised agencies. Which rules apply to them regarding the prevention of conflicts of interest?
13. What are the current rules on the cooling-off period to agencies' experts and staff?

14. Have all the agencies set up and implemented internal rules on whistleblowing? If not, is the establishment of protection for whistleblowers within the agency foreseen? How many cases were registered in 2014 and how many times has an appeal on these rules been done? For the agencies not having implemented these rules, what is the planning / time line for implementation?
15. What specific initiatives have been taken to create or increase transparency on contact of the agencies with lobbyists?
16. How did the agency ensure the participation of the civil society in its work during 2014? What measures did it take to strengthen transparency of functioning?
17. Did the agency hire new staff in 2014? How did it make sure that the new recruits have no conflict of interest? What measures did it take to avoid revolving door issues?
18. What measures did the agency implement in 2014 to ensure and to strengthen its independence from the relevant industry (wherever applicable)?

Performance

19. Noting that sharing external contracts in order to promote better practices and reduce costs can often mean one agency must bear the cost of associated contracts, how could this process be improved so that costs can be shared more fairly to promote cooperation, best practice and cost-effectiveness in and between agencies?
20. Where cost effective and practical, steps should be taken to share services between agencies as well as between agencies and the Commission. What progress has been made in this area? What are the plans for 2016 of sharing services between agencies?
21. What measures have been taken to avoid overlap between the works of individual Agencies? What measures are foreseen for the coming year? What have been the results of these activities and what financial savings have been achieved? What is the point of view of the Network of merging agencies that perform similar tasks?
22. What measures have been taken by the agencies to ensure balanced representation of all stakeholders?
23. What cost-saving measures did each agency take in 2014 to make efficiency gains, and how much did these measures save?

Staff

24. What progress has each agency made on the reduction of 5%? What are at this time the main bottlenecks for the respective agencies to meet this target? What are the arguments of the agencies against the set-up of a redeployment pool as advocated by the European Commission? What impact are staff reductions as a result of the redeployment pool having on agency operations?
25. The Commission and the Network of Agencies have presented different accounts of the agencies success in implementing the required 5% staff cut. How can the differences be explained between the calculations made by the European Commission and by the Network concerning the actual level of staff reduction of the agencies? Could the Network please explain its methodology for calculating staff cuts, with associated figures, so that the Budgetary Control Committee can compare this with the Commission's methodology?
26. What is the number of women and of men in managerial and senior management positions in each agency, categorised by nationality? What steps are agencies taking to ensure gender balance on boards and in senior management roles?
27. Please provide the total number of officials working at the agency with a breakdown of staff from each Member State.
28. How many consultants, seconded national employees and interim staff were working for each respective agency in 2014 and what percentage of the overall FTEs does this concern? How many interim staff was working for each agency in 2014 and for what time periods?
29. What are/ were the longest time frames (with interruptions) a member of interim staff is/ was working for your agency?
30. For partially self-financed agencies, could the agencies please provide a breakdown of the staff that is dedicated to fee-based tasks and the ones covered by the EU subsidy, expressed in full-time position equivalent (FTE) compared to the staff as a whole?
31. What were the costs in 2014 respectively for away days, closed conferences or similar events for staff in each agency? How many staff members participated in the respective events? Where did these events take place? How many hours did the respective events last? Could you please list the above mentioned events?
32. What was the amount of the highest pensions for officials of your institution actually paid in 2014?
33. What was the average pension paid in 2014 for officials of the agency?

34. What is the average pension paid for officials of your agency who retired in 2014?
35. What is the average office monthly rental price per square meter that the agency is paying for its premises?
36. Is the agency paying for the housing of its officials? What is the average monthly housing rental price per square meter for apartments/residences the agencies are paying for its staff?

Other comments

37. How many official cars including drivers does your agency provide for personal use only? What were the costs in 2014 for each of these official cars including the driver?
38. How many of these personal official cars are allocated respectively to Members of the agency and officials, respectively?
39. Which rules are in place for the private use of these cars? Which rules exist for the drivers if they are off duty? How many personally assigned drivers run private errands for their VIP or for the family of their VIP?
40. What is the rate of compliance by each agency with regard to Ombudsman recommendations?
41. Can each agency provide the Parliament with a spreadsheet of all the missions approved in 2014, including information about the duration of each mission and the total costs incurred by the agency for each mission, as well as a summary of total mission costs? What were the highest and lowest amounts paid for any mission in 2014?
42. What steps have been taken to promote the work of EU agencies to EU citizens in order to raise awareness of their respective roles and make contact/services available to citizens where appropriate? Do all agencies have a comprehensive communications strategy with measurable aims and/or milestones to this effect? What measures did the Agencies implement in order to increase their public visibility and/or online presence? Which steps are the agencies taking in order to make their websites more informative and/or user friendly? How did the Agencies cooperate with wider public, civil society and academia? How did the Agencies improve their external communication in general? Can a summary of the Network's communication plan be provided to the Budgetary Control Committee?
43. How have the Agencies improved the cost-effectivity and sustainability of their premises? What internal measures are in place in each agency which ensure a cost-effective and environment-friendly working place? What measures

have you taken in 2014 to reduce the CO2 emission of the agency? Have you considered joining EMAS? Do you have CO2 offsetting policies? If yes, could you provide us with the exact amount spend on CO2 offsetting and the measures taken? Do they follow the gold standard?

44. Some agencies do not yet have comprehensive headquarters Agreements with their host Member State. Certain agencies state that negotiations have not even started, other report that they progress only slowly. Could the Network please list the current state of play of HQ Agreements for relevant agencies? What are, according to the agencies concerned, the reasons for delay? Why is it important for the agency to have an HQ agreement and what are the consequences of not having such an agreement?
45. Some of the agencies have permanent facilities, representation or staff located outside their main headquarters (i.e in Brussels or another location). Could the concerned agencies please provide data on costs and benefits of these additional facilities, representations or staff outside the main headquarters?
46. How do the Agencies motivate experts to go to work to the Agencies in eastern Member States where the salary rate is relatively low compared to their western counterparts?
47. What are the translations costs of each agency per language and per page?

II. QUESTIONS TO BE ANSWERED BY INDIVIDUAL AGENCIES

BEREC:

1. A large number of budget transfers changed the structure of the initial budget considerably, mainly in order to finance on-going studies. Can the agency please give an indication of why this was necessary and why needs could not have been foreseen/planned for earlier?

CDT:

1. The Centre extended its framework contracts in 2013 for one year as no agreement on contract terms could be reached with the Commission. What is the current status of these contracts and was a new tender procedure organised?
2. With regard to the adaptability project which started in 2014, what measures will the Centre take to enhance the adaptability of its staff and reduce detected gaps?
3. Could the Centre provide the discharge authority with a breakdown of its translation prices from 2012 to 2014?

CEPOL:

1. According to the the Court, "The cancellation rate for committed appropriations carried over from 2013 was high at 129 828 euro (15 %), mainly because of the cancellation of the Matrix project (15 090 euro) and the lower than estimated costs to be reimbursed under the 2013 grant agreements (57 285 euro). The Matrix project was cancelled during its initial phase because it did not meet operational needs. This could have been avoided if there had been a proper user analysis by the College. The over-estimation of grant costs indicates the need to obtain more accurate information from the College's beneficiaries". What was the purpose of the Matrix project, on what basis has it been initiated? What was the rationale to cancel it? How come the costs for the reimbursement of grant agreements was so much overestimated, and is it a recurring situation? What can be done to avoid re-occurrence of these issues next year?
2. What is the reduction of administrative expenses by using the accounting services offered by the Commission?

EASA:

1. How did EASA improve its independence and conflict of interest policy?

2. The European Court of Auditors has reported that there are still problems in monitoring the status of procurement procedures and that of the contracts implementation, especially in respect of framework contracts. Has the Commission provided help for EASA to solve this issue? Which practices is EASA improving to better manage the procurement procedures?
3. The agency became operational in 2004 and has, to date, after more than 10 years, worked on the basis of correspondence and exchanges with the host Member State. However, a comprehensive headquarters agreement between the agency and the Member State has not been signed. The agency reports that negotiations did finally start in 2014 but that they are very slow. Which are the reasons for such a delay? Why has the host state waited for 10 years to start negotiations? Why is it important for the agency to have this agreement? What are the consequences of not having one? Which improvements to its operations would represent such an agreement?

EASO:

1. The significant under-consumption of the budget of the agency shown in the reports available to the Parliament indicates that there are difficulties with the budget implementation of the agency. Could you inform the Parliament on how EASO is planning to improve this issue? Are there any actions by the Commission programmed in order to analyse the issue and support EASO to better implement budgetary planning? What are the reasons for the significant under-consumption? What can be done in order to respect the principle of the annuality of the budget?
2. According to the the Court, "The Office, in its budget management system (ABAC) for the year 2014, carried over budgetary commitments amounting to some 1,3 million euro which were not covered by legal commitments. This is in contradiction with the Financial Regulation". What are the reasons for EASO not complying with the Financial Regulation and what concrete actions will be taken to avoid new occurrence of such non-compliance?
3. How did EASO update its work activities and procedures in view of migration crisis and how did it improve its effectiveness and efficacy?
4. According to the Court of Auditors' report almost a third of all payments were made after the time limits set out in the Financial Regulation. What are the reasons for the late payments and which specific measures are to be put in place by the Office in order to remedy this situation?

EBA:

1. The agency has suggested that it needs more manpower. Can the agency clarify why it feels this is necessary given that the amount of Level 2 legislation underway will rapidly decrease over the next few years?

ECHA:

1. How did ECHA improve its independence and conflict of interest policy, also with regard to expert groups?

EFCA:

1. The agency proposed a yearly estimation of Joint Development Plans costs to analyse the cost effectiveness of the control operations; could the agency provide further information on this estimation?

EEA:

1. What were the weaknesses reported by the European Court of Auditors regarding the grant transactions audited? What measures have been introduced in order to strengthen the system and to avoid irregularities and mismanagement of the grants?

EFSA:

1. What can be done to ensure the agency has the most effective conflict of interest policy possible whilst still enabling it to work with the top academics in the industry?
2. How did EFSA improve its independence and conflict of interest policy, also with regard to expert groups? Has EFSA adopted a revolving door policy?
3. Has EFSA revised its rules regarding election of the Chair and Vice-Chair of the Management Board?
4. Has EFSA improved its dialogue with public?
5. How much did EFSA spend on transport services between the agency and the airport in 2014? What measures did it take to decrease the costs?
6. Has EFSA considered organizing some of its meetings in other cities (e.g. Milan) in order to save time and money?

EIT:

1. EIT had an 'emphasis of matter' from the court in the financial year 2014. Please indicate in detail progress made on these issues since the Court's audit.
2. The EIT overestimates its budgetary needs for 2014 by EUR 13.1 million. What are the reasons for overestimation?
3. According to the AAR 2014, the compliance with the 25% ceiling set out in the Framework Partnership agreements has been verified on the basis of final

figures. Could the EIT please provide the European Parliament with these figures?

4. In the report of the European Court of Auditors on the annual account of EIT for 2014, the Court indicated that the KICs remain fully dependent on financing by the Institute and KIC partners. Which measures are taken by EIT to reduce this dependency of KICs on EIT funding?
5. How did EIT gradually improve its financial verification of the KICs' cost claims? What is the reason for the lagging behind of the operational verification of deliverables? What is the reason for the Institute to overestimate its budgetary needs for 2014 by 13,1 million euro?
6. The significant under-consumption of the budget of the agency shown in the reports available to the Parliament indicates that there are difficulties with the budget implementation of the agency. Could you inform the Parliament on how EIT is planning to improve this issue? Are there any actions by the Commission programmed in order to analyse the issue and support EIT in better implementing budgetary planning? What are the reasons for the significant under-consumption? What can be done in order to respect the principle of the annuality of the budget?

EIOPA

1. The agency is free to launch consultations and to do technical work on any subject. However, given that the agency has complained about a lack of funding, does it consider this 'own-initiative' work, such as the consultation on reporting standards for pension funds, to be necessary? Does it offer good value for money?
2. The significant under-consumption of the budget of the agency shown in the reports available to the Parliament indicates that there are difficulties with the budget implementation of the agency. Could you inform the Parliament on how EIOPA is planning to improve this issue? Are there any actions by the Commission programmed in order to analyse the issue and support EIOPA to better implement budgetary planning? What are the reasons for the significant under-consumption? What steps have been done in order to finalise the multi-annual IT strategy of EIOPA?

EMA:

1. How did EMA improve its independence and conflict of interest policy, also with regard to expert groups?
2. Has EMA published the list of the patients' organisations it is working with in order to increase the transparency?

3. Has EMA finalized the electronic declarations of interest forms?
4. Has EMA clarified its policies on Clinical Trials Regulation?

EMCDDA:

1. What are the biggest challenges for EMCDDA in terms of cooperation with the Member States?

ENISA:

1. When the agency was created it was based on Crete. Recently, operational staff has moved from Crete to Athens but admin staff remain on Crete. Is this working well and has it solved the problems that were involved in being based on Crete?
2. What is the state of cooperation between ENISA and FRONTEX and EUROPOL?

ESMA

1. Given that the bulk of Level 2 legislation should soon be concluded, does the agency expect its budget to decrease in the coming years?

EU-LISA:

1. EU-LISA had an 'emphasis of matter' from the Court in the financial year 2014. Please indicate in detail progress made on these issues since the Court's audit.
2. The significant under-consumption of the budget of the agency shown in the reports available to the Parliament indicates that there are difficulties with the budget implementation of the agency. Could you inform the Parliament on how EU-LISA is planning to improve this issue? Are there any actions by the Commission programmed in order to analyse the issue and support EU-LISA to better implement budgetary planning? What are the reasons for the significant under-consumption? What can be done in order to respect the principle of the annuality of the budget?
3. What is the actual operational usage of the Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC (systems) by MS? What is the added value of each of these systems compared to INTERPOL information systems that seems operationally preferred?
4. According to the Court, the funds spent on the development of these systems should be capitalized and depreciated on annual basis accordingly, just like tangible assets, and EU-LISA commits to adopt this approach as from next year. Is this making financial sense considering that the development costs

related to these systems do not have any tangible value like a building for instance? Should this be considered as operational expenditure rather than true capital ones as (mistakenly?) suggested by the the Court? Does a risk of artificially conflating the financial accounts of EU-LISA exist?

5. According to the Court, "out of the 6,6 million euro committed appropriations for titles I (staff expenditure) and II (administrative expenditure) which were carried over from 2013 to 2014, 1,7 million euro (26 %) were cancelled in 2014, showing that budgetary needs were overestimated at the end of 2013". EU-LISA answered that "The business case supporting these commitments did not always prove relevant in the new organisational/logistical set up of the agency". What are cancelled projects/activities? Under what basis were they initiated? What concrete guarantees do we have that the same issue will not happen next year?

EUROPOL:

1. How is it possible that the delays of the IT projects mentioned in the the Court report did not have any operational impacts according to EUROPOL? What is the real added value of these projects in this case? What are these projects? Should they be cancelled to save taxpayers' money?
2. What is the state of cooperation between ENISA and FRONTEX and EUROPOL?

FRA:

1. Can the agency provide a detailed account of the transparency of its recruitment processes and how it avoids conflict of interests with regard to appointments?
2. Can the agency please provide a detailed overview of its whistle-blowers policy and how it is implemented?
3. Can the agency please provide a detailed account of its policies and practices in cases of alleged employee harassment?
4. In February 2012, after a whistle-blower reported on irregularities in certain contracts signed among the agency for Fundamental Rights (FRA) and the DIHR (Danish Institute for Human Rights), the former President of FRA sent a letter of termination of the whistle-blowers' employment contract, without giving the person any right to defend themselves. After suing FRA in front of the Civil Service Tribunal and in appeal to the CJEU, the whistle-blower obtained the reintegration to their former workplace. Nonetheless, the new ad-interim Director of FRA has not yet reintegrated the whistle-blower to the former workplace, offering only a compensation amount. Why has not FRA reintegrated the whistle-blower? Has the Commission offered its support to

the whistle-blower in this specific case? Could the Commission explain if any actions have been taken to ensure the reintegration of whistle-blowers in similar cases?

FRONTEX:

1. In the Annual Activity Report 2014, FRONTEX listed the number of officer-days of different Joint Operations. How many staff of FRONTEX and/or of the participating Member States were deployed in Joint Operations
 - a. at air borders
 - b. at land borders
 - c. at sea borders?
2. What is the amount allocated and spent specifically for the "Search and Rescue" activities?
3. What was the amount funding the protection of human rights? Is it possible to provide the figures related to the costs incurred by the Fundamental Right Officer (i.e. expected funds and staff costs)?
4. How many Seconded national experts are currently employed by FRONTEX? What is the amount they receive? From which countries do they come from?
5. Is there any collaboration agreement with the Coast guards of third countries? In that case, what do such agreements feature and what is the amount that is paid out?
6. Frauds were detected regarding visas granted by Malta and Belarus: what actions have been taken? What is the agency's estimation about the number of possible frauds related to visas? What control systems were put in place?
7. Has FRONTEX, in the meantime, concluded the headquarters agreement with Poland and if not, why not? (In the latest Court of Auditors report this is indicated as "ongoing").
8. According to the the Court "The high and constantly increasing number of grant agreements and the magnitude of related expenditure to be verified and reimbursed by FRONTEX raise the question whether more efficient and cost-effective alternative funding mechanisms could be used". According to FRONTEX, "The agency shares fully the view of the Court that the grant mechanism is neither the appropriate nor the most efficient instrument to finance FRONTEX coordinated operations. FRONTEX' mandate to coordinate activities of border guard authorities is difficult to implement using grants as financial instrument. According to Article 3 (4) of the Founding Regulation, FRONTEX has to use grants for (co-)financing FRONTEX coordinated joint operations; the agency will address this issue in the upcoming review of the

Founding Regulation following the regular 5 year evaluation". What is concretely the alternative mechanism envisaged by FRONTEX? How will it improve the current situation? How soon can the proposal be presented to the European Parliament? What concrete measures have been taken in the meantime to improve the situation?

9. Has FRONTEX improved its ex post verifications?
10. Has FRONTEX improved its conflict of interest policy?
11. Has there been any new development in the negotiations over support of the Polish government to the FRONTEX activities?
12. What is the state of cooperation between ENISA, FRONTEX and EUROPOL?

GSA:

1. The agency's training costs increased due to an active training management providing staff with training opportunities. Please provide more information on the training management and, if available, the participation rate of the staff.
2. What measures did the GSA implement in order to improve its visibility in its host country?
3. What is the reason for having no insurance coverage of fixed tangible assets with a net book value of 1 million euros? What are the agency's plans in order to solve the situation?