



Plenary sitting

A9-0090/2022

6.4.2022

REPORT

on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020
(2021/2144(DEC))

Committee on Budgetary Control

Rapporteur: Tomáš Zdechovský

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1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020 (2021/2144(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0099/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012³, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA⁴, and in particular Article 60 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of

¹ OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

² OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

³ OJ L 193, 30.7.2018, p. 1.

⁴ OJ L 135, 24.5.2016, p. 53.

- the European Parliament and of the Council⁵, and in particular Article 105 thereof,
- having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0090/2022),
1. Grants the Executive Director of the European Union Agency for Law Enforcement Cooperation (Europol) discharge in respect of the implementation of the Agency's budget for the financial year 2020;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Union Agency for Law Enforcement Cooperation (Europol), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

⁵ OJ L 122, 10.5.2019, p. 1.

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the closure of the accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020 (2021/2144(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0099/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012³, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA⁴, and in particular Article 60 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁵, and in particular Article 105 thereof,

¹ OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

² OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

³ OJ L 193, 30.7.2018, p. 1.

⁴ OJ L 135, 24.5.2016, p. 53.

⁵ OJ L 122, 10.5.2019, p. 1.

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0090/2022),
1. Approves the closure of the accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020;
 2. Instructs its President to forward this decision to the Executive Director of the European Union Agency for Law Enforcement Cooperation (Europol), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020 (2021/2144(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0090/2022),
- A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Union Agency for Law Enforcement Cooperation (Europol) (the ‘Agency’) for the financial year 2020 was EUR 158 619 073, representing an increase of 12,00 % compared to 2019; whereas the Agency’s budget mainly derives from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the Agency for the financial year 2020 (the ‘Court’s report’), states that it has obtained reasonable assurance that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that budget monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 99,44 %, representing an increase of 0,02 % compared to 2019; notes that the payment appropriations execution rate was 85,09 %, indicating a decrease of 1,52 % compared to 2019;
2. Notes with concern that the Agency made 33 % of its payments late and, as a consequence, paid interest amounting to EUR 12 000; notes that the Court observed similar levels of delay in 2019, 2018 and 2017, which exposes the Agency to financial and reputational risks; recalls that the Financial Regulation states that Union bodies, offices and agencies must make payments within prescribed timelines, and that the Court notes that the Agency failed to do so; notes that, in its reply to the Court’s observation, the Agency mentioned staffing issues, the COVID-19 pandemic and a backlog in invoices for travel services; notes that the Agency’s reply does not address the structural character of late payments and calls on the Agency to review its payment process to identify where the delays originate and to increase its efforts in making

¹ OJ C 114, 31.3.2021, p. 158.

payments within prescribed terms in order to eliminate those weaknesses;

Performance

3. Underlines the Agency's important role in supporting Member States' criminal investigations, as well as in preventing, responding to and combating terrorism, cybercrime, crimes against the financial interest of the Union and other serious and organised forms of crime across the Union;
4. Highlights the fact that the number of operations grew from 1 921 in 2019 to 2 315 in 2020 (an increase of 24 %) and that operational meetings funded by the Agency decreased from over 500 in 2019 to 280 in 2020 (a decrease of 44 %), which underlines the impact of COVID-19 on the Agency's work;
5. Welcomes the creation of the European Financial and Economic Crime Centre to support the activities of national authorities by providing operational and strategic assistance and the creation of the Europol Innovation Lab;
6. Notes with satisfaction that the Agency uses certain measures as key performance indicators to assess the added value provided by its activities and other measures to improve its budget management; notes that in 2020 the Agency streamlined the indicators in its work programme and monitored in total 43 corporate performance indicators with individual targets set for each of them, such as the implementation of carry-forward commitments, payment rates and commitment appropriations;
7. Notes that the Agency strives for close cooperation with other Union bodies, offices and agencies and international organisations in order to guarantee the security interests of all Union citizens; notes that the Agency collaborated with the European Union Agency for Criminal Justice Cooperation (Eurojust) in the context of the SIRIUS project throughout 2020; notes that the Agency's chemical, biological, radiological, nuclear and explosives experts actively supported the International Atomic Energy Agency and the European Union Agency for Law Enforcement Training (CEPOL) in various ways, such as through conferences, seminars, webinars and other exercises; further notes that the Agency signed a working arrangement with the European Anti-Fraud Office (OLAF) on 8 October 2020;
8. Notes that on 30 April 2019, the European Data Protection Supervisor (EDPS) decided to open an own-initiative inquiry, after the Agency proactively requested its guidance on the Agency's use of big data analytics ('data subject categorisation') for purposes of strategic and operational analysis (EDPS case 2019-0370); further notes that, in line with Regulation (EU) 2016/794², the EDPS has had the task of supervising the lawfulness of the processing of personal data by the Agency since 1 May 2017; notes that, in the context of its inquiry, the EDPS admonished the Agency in September 2020 in view of the risks to data subjects by the absence of specific data minimisation safeguards for analysing large datasets; notes that continued storage of large volumes of data with no data subject categorisation, where a possible link to a criminal activity can only be established once the analysis commences, may pose a risk to individuals' rights

² Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

to data protection; notes that the EDPS has been in dialogue with the Agency about that matter, and that the Agency has prepared a dedicated action plan; notes that the action plan addressed the concerns of the EDPS as regards the required data review for the storage of large quantities of data of individuals with no established link to criminal activity, but highlights the EDPS's concern that the current legal framework does not contain a maximum period as to how long the Agency may process such data; highlights that that means that the Agency stored large amounts of data on individuals with no established link to criminal activity and that the Agency was keeping those data for longer than necessary, contrary to the principles of data minimisation and storage limitation enshrined in Regulation (EU) 2016/794; notes the EDPS decision of 3 January 2022, in which the Agency was given 12 months to proceed with erasing datasets lacking data subject categorisation held on the day of that decision and six months to erase new such datasets from the date of receipt; notes the impact that the EDPS decision will have on the Agency's ability to analyse complex and large datasets in support of ongoing criminal investigations concerning crimes falling within the scope of the Agency's mandate, since the Agency's support frequently entails a period longer than six months and the Agency should comply with relevant Union law at all times;

9. Notes that the political agreement on the reinforced mandate of the Agency reached by the co-legislators in February 2022 addresses the concerns of the EDPS by establishing the conditions for processing and the storage periods for large and complex datasets; notes the remarks of the EDPS that the new legislation that will regulate the Agency allows the Agency to process data with no established link to criminal activity; considers that, given the complex nature of cross-border law enforcement cooperation to fight serious crime and terrorism, duly considered exceptions are justified; stresses that a balance needs to be struck between effective policing operations and the protection of citizens' right to privacy and that the order of the EDPS raised concerns about whether the Agency had been striking the right balance; calls on the Agency to take the EDPS's concerns into account by making swift progress with data subject categorisation and respecting the legally established storage limits, thereby adhering to the principles of data minimisation and storage limitation, while ensuring and preserving the operational capacity of the Agency; expects the Agency to comply with its legal obligation to provide annual information to Parliament regarding the number of cases in which it made use of the legal possibilities to process individuals' data with no established link to criminal activity, alongside information on the duration and outcome of that processing;

Staff policy

10. Notes that, on 31 December 2020, the establishment plan of the Agency was 93,50 % implemented, with 575 temporary agents appointed out of 615 temporary agents authorised under the establishment plan, compared to 591 authorised posts in 2019; notes that, in addition, 203 contract agents and 53 seconded national experts worked for the Agency in 2020, with 235 contract agents and 71 seconded national experts authorised under the establishment plan; notes that the Agency differentiates between four categories of seconded national experts, with three categories incurring no or limited costs for the Agency's budget and representing another 53 people, bringing the total number of seconded national experts to 106;
11. Underlines the fact that the continuous increase in workload and demand by the

Member States' authorities needs to be met by adequate levels of staff; notes that the Agency's establishment plan was increased by an additional 14 temporary agent positions; calls on the Commission to engage in active dialogue with the Agency in order to understand and meet the Agency's long-term human resources needs;

12. Notes that, as a result of an organisation-wide action plan, the Agency ended 2020 with a vacancy rate of 1,0 % against the annual target of a maximum vacancy rate of 2,0%; notes that the Agency also achieved the target for the maximum turnover rate (12 %) with 10,9 % of staff turnover at the end of 2020; further notes that the Agency regularly monitors those indicators against annual targets;
13. Notes with concern the gender distribution reported for 2020 with 82,2 % of senior and middle management being men (149 men and 31 women), 79,3 % of the management board being men (42 men and 11 women) and 71,8 % of overall staff being men (413 men and 162 women); notes that members of the management board are appointed by Member States' authorities; acknowledges diversity as one of the Agency's strategic pillars; welcomes the Agency's commitment to improving the gender distribution of its staff composition, especially in managerial positions; notes the increase in 2020 of the number of female members of staff at head of unit level and equivalent or higher positions; encourages the Agency to continue that positive trend, and asks the Agency to ensure a more equal gender distribution at the management and staff levels in the future; calls on the Commission and the Member States to better take into account the importance of ensuring gender balance when nominating their members to the Agency's management board; reminds the Agency that in the selection of candidates, competence, knowledge and experience are important, as well as geographical and gender balance among members of staff;
14. Notes that in 2020 the Agency reported one case of a conflictual work relationship, which was determined to constitute psychological harassment under Article 12a of the Staff Regulations; notes that the member of staff who committed the psychological harassment was reprimanded under Article 9(1), point (b), and Article 11 of Annex IX to the Staff Regulations in December 2020; notes that, by that time, that member of staff had left the Agency; further notes that no harassment cases relating to the Agency's staff were brought before a court in 2020;
15. Notes that the overall number of operations supported by the Agency increased by 24 % in 2020; notes that the overall increase of the Agency's operational activities corresponded with an elevated oversight by the EDPS, as reflected in the number of recommendations provided by the EDPS in various business areas as a result of inquiries, prior consultation procedures under Article 39 of Regulation (EU) 2016/794 and follow-up activities to inspections;

Public procurement

16. Notes that the Agency extended the duration of one framework contract, for the provision of business travel services, by signing an amendment to it after it had expired in 2018; notes with concern that the Court found that practice irregular; notes that the Agency signed a further amendment to that same contract on 29 March 2019, which demonstrated weaknesses in contract management and *ex ante* controls; notes the Agency's reply that its decision to extend the contract in 2019 was the result of a

thorough assessment to preserve business continuity and did not constitute a weakness in *ex ante* controls; welcomes the fact that the Agency commenced an internal audit in the fourth quarter of 2020 with a view to obtaining additional assurance on the Agency's contract management approach; further notes that the related travel services contract expired in March 2020;

17. Notes that, according to the Court's report, for the procurement of furniture, accessories and related services, the terms used by the Agency in the documents for the call for tender were not specific enough, undermining the competitive nature of the tender procedure; notes, moreover, that the Agency did not sufficiently check the accuracy of underlying prices and the calculation of discounts applied for the non-standard items before submitting the order form to the contractor; calls on the Agency to ensure full compliance with the principles of competition law in all tender procedures; notes that, according to the Agency's reply, the tender documentation included the subject matter of the procurement and the applicable exclusion, selection and award criteria, thus allowing for competition, and notes that, with regard to the discount given by the contractor, the contractor had offered a bigger discount than the standard rate included in the contract and the Agency thus acted in compliance with the principles of sound financial management and in line with the provisions of the contract;
18. Welcomes the fact that the Agency correctly implemented the Court's recommendations regarding the minimum threshold for the technical award criterion most relevant to quality, and regarding the checks of the accuracy of underlying prices and of the calculation of discounts applied for the non-standard items;

Prevention and management of conflicts of interest, and transparency;

19. Notes the Agency's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest and whistleblower protection and in the fight against harassment; notes that in 2020 no instance of a conflict of interest situation, which would have led to investigations by the Agency's internal investigations service, was reported;
20. Welcomes the fact that the Agency publishes the CVs and declarations of interest of its management board members, executive director and deputy executive directors;

Internal control

21. Notes that the Commission's internal audit service completed its audit on the Agency's IT Security and conducted the preliminary work of its audit on contract management in 2020; notes that the Agency implemented 86 % of the critical or very important recommendations planned to be implemented during 2020;
22. Recalls the observation of the Court concerning the extension of a framework contract for the provision of business travel services; observes that this finding constitutes a weakness in the Agency's procurement procedures that potentially has an impact on the Agency's internal control system or on parts thereof; calls on the Agency to take account of the Court's observations in the framework of the annual assessment of the internal control framework;

23. Notes that the components of the Agency's internal control framework were present and functioning in an integrated manner across the Agency and that the internal control system effectively reduced, to an acceptable level, the risk of not achieving the Agency's annual and multiannual objectives relating to operations, reporting and compliance; calls on the Agency to take the observations of the Court into account in its annual assessment, in particular the observations regarding contract management and late payments;

COVID-19 response and business continuity

24. Notes that the Agency reacted swiftly to the COVID-19 outbreak and implemented several new actions in order to manage the crisis with as little impact on the Agency's work as possible, while keeping health and safety as its first priority; notes, however, that the COVID-19 pandemic had a direct impact on the Agency's efforts to implement a number of actions and to reach the targets of the 2020 work programme, especially those related to physical presence at the Agency's headquarters, such as operational and other meetings of investigators and analysts, and to administrative procedures that are not based on an electronic workflow; calls upon the Agency to digitise administrative procedures as much as possible;
25. Welcomes the measures implemented by the Agency to maintain efficiency in managing procurement procedures and related activities, including placing urgent orders to cover exceptional needs resulting from the COVID-19 pandemic and amending various contracts in order to adjust the risks linked to the COVID-19 pandemic;
26. Notes that, following the lessons learned from the COVID-19 pandemic, the Agency is developing several measures in order to be future proof, such as decentralised working methods, including the possibility to use secure video calls and collaboration tools, teleworking (including with secured OpsNet laptops due to the nature of the operational information processes) and modernised electronic workflows;

Other comments

27. Welcomes the efforts undertaken by the Agency to increase its cyber security; notes that the Agency's three most important improvements in 2020 regarding digital protection related to remote access capabilities, cloud-based development, and open source and third-party software coding practices;
28. Notes that, in anticipation of the United Kingdom's withdrawal from the Union on 31 December 2020, the Agency undertook intensive work and preparations to ensure a smooth transition, affecting possibilities for continued operational cooperation with the United Kingdom, including the exchange of personal data, and adapting different operational tools and systems;
29. Encourages the Agency to continue promoting its work, research and activities in order to increase its public visibility; notes that the Agency's work on the impact of COVID-19 on crime and cybercrime was widely publicised in 2020, reaching the general public through its own and third-party channels;
30. Welcomes the efforts undertaken by the Agency to put in place a comprehensive

strategy for sustainability and to reduce CO₂ emissions, such as improved recycling practices and the usage of environmentally friendly energy; encourages the Agency to share its challenges and lessons learned in that context for the discharge of the next financial year and within the EU Agencies Network;

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31. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of [...] 2022 ³ on the performance, financial management and control of the agencies.

³ Texts adopted, P9_TA(2022)0000.

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2020 (2021/2144(DEC))

Rapporteur for opinion: Ramona Strugariu

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Underlines the important role of the European Union Agency for Law Enforcement Cooperation ('Europol')('the Agency') in supporting Member States' criminal investigations, as well as in the prevention, response and combating of terrorism, cybercrime, crimes against the financial interest of the Union and other serious and organised forms of crime across the Union;
2. Welcomes the fact that the Court of Auditors ('the Court') has declared the transactions underlying the annual accounts of the Agency for the financial year 2020 to be legal and regular in all material aspects and that its financial position on 31 December 2020 is fairly presented; highlights the fact that the Agency's budget increased from EUR 169 million to EUR 183 million (+8.3%) and that its staff increased from 837 to 884 members of staff (+5.6%) compared to 2019;
3. Highlights the fact that the number of operations grew from 1 921 in 2019 to 2 315 in 2020 (+24 %) and that operational meetings funded by the Agency decreased from over 500 in 2019 to 280 in 2020 (-44%), which underlines the impact of COVID-19 on the Agency's work;
4. Underlines the fact that the continuous increase in workload and demand by the Member State authorities needs to be met by adequate levels of staff; notes that the Agency received an increase of its establishment plan by 14 temporary agent positions; calls on the Commission to engage in an active dialogue with the Agency in order to understand and meet the Agency's long term needs in terms of human resources;
5. Regrets the observation made by the Court that the Agency failed to make payments within prescribed terms as laid down in the Financial Regulation; notes with regret that late payments were issued by the Agency in 33% of the cases in 2020 and that EUR 12 000 of interest was incurred as a consequence of those late payments; notes that in 2020

the value of invoices paid late represented 3% of all payments made in 2020 (4.6% in 2019); notes that the Agency has explained this issue in the context of continued understaffing, affecting infrastructure areas in particular, including financial administration, and that this situation has been worsened by the pandemic; welcomes the mitigation actions taken by the Agency to prioritise high-value payments; notes that the Agency's reply to the Court's observations, however, does not address the structural character of late payments; calls on the Agency to identify the origin of delays connected to these payments and to increase its efforts in this area in order to avoid financial and reputational risk;

6. Notes that the Agency is addressing the 2019 Court's finding relating to the weaknesses in contract management and ex ante controls linked to the fact that the Agency irregularly prolonged again the duration of a framework contract for the provision of business travel services by signing an amendment after the contract had expired; recalls that this was a further amendment signed to the same contract in 2018 and notes that although a new framework contract for business travel services entered in force in 2019, the Agency decided to extend the old contract; notes the Agency's reply that the decision was result of a thorough assessment to preserve business continuity and did not constitute a weakness in ex-ante controls; takes note of the Agency's commitment to have an internal audit on contract management in 2021 with a view to obtaining additional assurance on its contract management arrangements; calls on the Agency to ensure the regularity of transactions;
7. Welcomes the fact that the Agency correctly implemented the Court's recommendations regarding the minimum threshold for the technical award criterion most relevant to quality, and the checks of the accuracy of underlying prices and of the calculation of discounts applied for the non-standard items;
8. Welcomes the measures implemented by the Agency to maintain efficiency in managing procurement procedures and related activities, including placing urgent orders to cover exceptional needs required by the pandemic and amending various contracts in order to adjust the risks linked to the pandemic;
9. Notes the gender balance reported for 2020 for senior and middle management being 149 men (82,78%) and 31 women (17,22%), the management board with 42 men (79,25%) and 11 women (20,75%) and staff with 413 men (71,83%) and 162 women (28,17%); underlines that Article 10(3) of Regulation (EU) 2016/794 stipulates that the principle of a balanced gender representation on the management board shall also be taken into account; takes note that members of the management board are subject to nomination and appointment by Member State authorities; calls on the relevant national authorities to take into consideration improving the gender balance when appointing management board members; welcomes the Agency's commitment to increasing the gender balance of its staff, especially in managerial positions; notes the 5% increase in 2020 of the percentage of female members of staff in Head of Unit and equivalent or higher positions, bringing the total percentage to 21%; encourages the Agency to continue on this positive trend and further improve the gender balance in these posts;
10. Welcomes the creation of the European Financial and Economic Crime Centre to support activities of national authorities by providing operational and strategic assistance and the creation of the Europol Innovation Lab;

11. Takes note of the admonishment to the Agency by the EDPS in September 2020 for the processing of large datasets about people who have not been linked to a crime, which did not comply with Regulation (EU) 2016/794; takes note of the Action Plan sent by the Agency in response to the admonishment, outlining the measures intended to strengthen the Agency's data review activities, which was scrutinised and commented upon by the EDPS; regrets that the Agency was not able to remedy with its Action plan the requests made by the EDPS in its inquiry which started in April 2019 and covered 2020; notes that the EDPS has been in a dialogue with the Agency about this matter, following the admonishment, and that the Agency has been given 12 months to comply with the order to proceed with data subject categorisation ('DSC') for all datasets existing on the day of the EDPS decision (3 January 2022) and six months from the date of reception of new datasets; notes the Agency's stated commitment to the highest standards of data protection, noting that Regulation (EU) 2016/794 does not contain an explicit provision regarding a maximum time period to determine the DSC; highlights that the Agency analyses large and complex datasets at the request of the Union's law enforcement authorities; takes note therefore of the provisional agreement on the new Europol mandate reached by the co-legislators which could address some of the EDPS' concerns and calls on the Agency to fully address the issue of processing data within the categories listed in Annex II under the strict timeline proposed by the EDPS; highlights that the Agency must fully comply with its fundamental rights obligations under Union law while maintaining its operational capabilities; calls on the Agency to take measures to ensure full compliance with Union transparency rules;
12. Notes with satisfaction the Agency's cooperation with other agencies, especially the European Union Agency for Criminal Justice Cooperation, the European Anti-Fraud Office, the European Agency for Law Enforcement Training, and the International Atomic Energy Agency; calls on the Agency to continue further exploring possibilities for cooperation with other agencies;
13. Welcomes the enhanced cooperation between the Agency and the European Anti-Fraud Office and the signature of a working arrangement with the Office on 8 October 2020, as well as the working arrangement establishing cooperative relations between the European Prosecutor's Office and the Agency approved in 2020;
14. Acknowledges the Agency's immediate response to the COVID-19 pandemic and the implementation of decisive measures to prevent further spread and ensure the safety of its staff;
15. Acknowledges the importance of the Agency's role in the process of the UK's withdrawal from the Union and underlines its commitment to follow up on future security cooperation;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	15.2.2022
Result of final vote	+: 54 -: 7 0: 8
Members present for the final vote	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Ralf Seekatz, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Malin Björk, Nathalie Colin-Oesterlé, Tanja Fajon, Daniel Freund

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

54	+
ECR Group	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID Group	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Peter Kofod, Annalisa Tardino, Tom Vandendriessche
NI	Laura Ferrara
PPE Group	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Ralf Seekatz, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew Group	Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom
S&D Group	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Tanja Fajon, Maria Grapini, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva

7	-
ID Group	Marcel de Graaff
NI	Martin Sonneborn, Milan Uhrík
The Left Group	Konstantinos Arvanitis, Malin Björk, Clare Daly, Cornelia Ernst

8	0
S&D Group	Sylvie Guillaume
Verts/ALE Group	Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Alice Kuhnke, Diana Riba i Giner, Tineke Strik

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	31.3.2022
Result of final vote	+: 29 -: 0 0: 1
Members present for the final vote	Matteo Adinolfi, Gilles Boyer, Olivier Chastel, Caterina Chinnici, Lefteris Christoforou, Corina Crețu, Ryszard Czarnecki, José Manuel Fernandes, Raffaele Fitto, Luke Ming Flanagan, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, Pierre Karleskind, Mislav Kolakušić, Joachim Kuhs, Ryszard Antoni Legutko, Claudiu Manda, Alin Mituța, Jan Olbrycht, Younous Omarjee, Markus Pieper, Michèle Rivasi, Petri Sarvamaa, Angelika Winzig, Lara Wolters, Tomáš Zdechovský
Substitutes present for the final vote	Bas Eickhout, Tsvetelina Penkova, Viola Von Cramon-Taubadel

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

29	+
ECR	Ryszard Czarnecki, Raffaele Fitto, Ryszard Antoni Legutko
ID	Jean-François Jalkh, Joachim Kuhs
NI	Mislav Kolakušić
PPE	Lefteris Christoforou, José Manuel Fernandes, Monika Hohlmeier, Jan Olbrycht, Markus Pieper, Petri Sarvamaa, Angelika Winzig, Tomáš Zdechovský
Renew	Gilles Boyer, Olivier Chastel, Pierre Karleskind, Alin Mituța
S&D	Caterina Chinnici, Corina Crețu, Isabel García Muñoz, Claudiu Manda, Tsvetelina Penkova, Lara Wolters
The Left	Luke Ming Flanagan, Younous Omarjee
Verts/ALE	Bas Eickhout, Michèle Rivasi, Viola Von Cramon-Taubadel

0	-

1	0
ID	Matteo Adinolfi

Key to symbols:

+ : in favour

- : against

0 : abstention