



Plenary sitting

A9-0107/2022

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REPORT

on discharge in respect of the implementation of the budget of the European Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020
(2021/2122(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 Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020 (2021/2122(DEC))

The European Parliament,

- having regard to the final annual accounts of the European Asylum Support Office 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 Office in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0077/2022),
- 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) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office⁴, in particular Article 36 thereof,
- having regard to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010⁵, and in particular Article 55 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

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 132, 29.5.2010, p. 11.

⁵ OJ L 468, 30.12.2021, p. 1.

Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁶, 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 (A9-0107/2022),
1. Grants the Executive Director of the European Union Agency for Asylum discharge in respect of the implementation of the budget of the European Asylum Support Office 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 Asylum, 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).

⁶ OJ L 122, 10.5.2019, p. 1.

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the closure of the accounts of the European Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020
(2021/2122(DEC))**

The European Parliament,

- having regard to the final annual accounts of the European Asylum Support Office 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 Office in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0077/2022),
- 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) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office⁴, in particular Article 36 thereof,
- having regard to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010⁵, and in particular Article 55 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 132, 29.5.2010, p. 11.

⁵ OJ L 468, 30.12.2021, p. 1.

the European Parliament and of the Council⁶, 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 (A9-0107/2022),
1. Approves the closure of the accounts of the European Asylum Support Office for the financial year 2020;
 2. Instructs its President to forward this decision to the Executive Director of the European Union Agency for Asylum, 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).

⁶ OJ L 122, 10.5.2019, p. 1.

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 Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020 (2021/2122(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Asylum Support Office 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 (A9-0107/2022),
- A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Asylum Support Office (now European Union Agency for Asylum) (the ‘Office’) for the financial year 2020 was EUR 130 986 611, representing an increase of 27,25 % compared to 2019; the increase mostly concerns an increase in expenditure related to operational support; whereas the budget of the Office derives mainly from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the Office for the financial year 2020 (the ‘Court’s report’), states that it has obtained reasonable assurance that the Office’s annual accounts are reliable and that it has obtained sufficient audit evidence on the legality and regularity of revenue and expenditure underlying the accounts; notes with appreciation that the reasons for qualifying the opinion on expenditure underlying the accounts have been solved by the Office and that the Court has not found material errors;
- C. whereas the Court, without calling into question its audit opinion, draws attention to the fact that a case pending before the General Court, case T-621/20 (EMCS v EASO), has a bearing on aspects of that opinion; whereas, in 2020, the Office launched an open procedure for the provision of temporary agency workers to support its headquarters and its operations in Malta with a total estimated amount of EUR 27,7 million over 48 months; whereas, in October 2020, the unsuccessful tenderer filed an official complaint against the Office at the General Court challenging the outcome of the procurement procedure;

The outcome of the investigation of the European Anti-Fraud Office (OLAF)

1. Notes that, following receipt of a report of the European Anti-Fraud Office (OLAF) at the end of 2018, which was extensively covered in the discharge report for 2018, the

¹ OJ C 114, 31.03.2021, p. 191.

Office initiated three disciplinary procedures in 2019, which are currently ongoing; appreciates the cooperation of the current management of the Office with OLAF and its commitment to addressing the proposed recommendations; welcomes the Office's commitment to inform the discharge authority of the completion of those proceedings;

Budget and financial management

2. Notes that budget monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 95,14 %, at approximately the same level as 2019 (95,22 %); notes with concern that the payment appropriations execution rate was at 80,91 %, which the Court deems as low, representing a decrease of 8,95 % compared to the previous year (89,86 %); notes with concern the Court's conclusion that the carry-overs of committed appropriations for operating expenditure were high, at 33,8 %, and that the cancellation rate of budget appropriations carried over from 2019 to 2020 was also high, at 19 %; notes the Court's conclusion that that contradicts the budgetary principle of annuality; calls on the Office to follow up on the Court's recommendation to improve its budget planning and implementation cycles, and calls on the Office to inform the discharge authority about the progress made;
3. Notes that the Court declared a total amount of EUR 1 177 848 for payments made in 2020 irregular because they were related to procurement errors in procedures carried out in 2016 and 2017 for rented premises in Rome, and procurement procedures declared irregular by the Court in previous years (i.e. procurement for rented premises in Lesbos, for interim workers in Italy and for external experts); appreciates the efforts of the current management of the Office to terminate those contracts, where possible, or otherwise to reduce their future financial impact;
4. Welcomes the fact that the number of pending observations from previous audit reports of the Court was halved between 2019 and 2020; notes however that 8 out of 12 recommendations still had an ongoing status; calls on the Office to comply with the Court's observations and take action in order to comply with its legal obligations;
5. Recalls the Court's conclusion, with regard to the financial year 2017, that procedures for monitoring travel-related expenditure were weak; welcomes the fact that the Office is carrying out an internal inquiry into the matter; notes, however, that that matter has not yet been resolved; calls on the Office to proceed swiftly with strengthening its procedures for monitoring travel-related expenditure;
6. Welcomes the fact that an effective policy for managing rented premises and related services, which the Court has been calling for, was established in 11 June 2021 and fully applied from 1 January 2022;
7. Recalls the Court's recommendation for the financial year 2018 that the Office should establish effective financial *ex-post* control; notes with concern that the follow-up is still ongoing; calls on the Office to address that recommendation swiftly;
8. Notes the conclusion of the Office's management board that the cost-effectiveness and added value of establishing an internal audit capability, in addition to the audit function already provided by the Commission's Internal Audit Service, is negative;

Performance

9. Notes that the Office reported that it executed a total of 5 313 payments in 2020, compared to 9 871 payments in 2019, with 334 (6,29 %) of the payments executed more than 30 days after receipt of the invoice, compared to 1 312 (13,29 %) in 2019; notes that interest amounting to EUR 6 374,89 was paid in 2020, compared to EUR 25 652,34 in 2019; welcomes the substantial improvement in the overall performance of payment deadlines and the reduction in interest paid for late payments;
10. Recalls that in 2020 about 13 600 applications for asylum were lodged by unaccompanied minors in the Member States; stresses the importance of providing a specific reception system for minors that protects them;
11. Notes that the Office uses certain measures as key performance indicators to assess the performance of its activities; welcomes the achievement or surpassing of targets for a majority of indicators, despite the difficulties faced because of the COVID-19 pandemic; deplores the fact that for a number of indicators no national data from Member States were available and calls on the relevant national authorities and the Office to address that issue through all available channels;
12. Notes with satisfaction that the Office regularly cooperates with other Union agencies and, in particular, with the justice and home affairs agencies; welcomes cooperation based on bilateral cooperation agreements, such as working arrangements between the Office and the European Border and Coast Guard Agency ('Frontex'), the European Union Agency for Fundamental Rights and the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ('eu-LISA'), and cooperation plans with Frontex and eu-LISA in order to better align common projects and share information systematically;

Staff policy

13. Notes that, on 31 December 2020, the establishment plan was 78,96 % executed, with 289 temporary agents appointed out of 366 temporary agents authorised under the Union budget (compared to 284 authorised posts in 2019) and a further 17 posts offered or accepted; notes that, in addition, 91 contract agents and seconded national experts worked for the Office in 2020 and a further 22 posts were offered or accepted, with 123 and 11 posts authorised, respectively;
14. Welcomes the downward trend in the number of interim workers compared to the total number of staff; highlights that one of the reasons underlying the dependency on interim staff was the delay in the adoption and entry into force of Regulation (EU) 2021/2303 (the 'Regulation') establishing a European Union Agency for Asylum; welcomes the entry into force of the Regulation, which has allowed the new European Union Agency for Asylum to employ remunerated experts; underlines the fact that, in order to decrease that dependency, the Office carried out an active dialogue with the Commission; regrets that only short term solutions could be identified and that the Office was allowed to employ 58 contractual agents in 2020 for a period of only one year, until the planned adoption of the Regulation; notes, however, that due to a delay in the adoption of the Regulation, the Office found itself in a difficult situation because the agreement did not allow it to extend those contracts until the entry into force of the Regulation; notes with regret a serious lack of foresight on behalf of the Commission when designing those posts and allocating them to the Office; underlines the fact that that situation had a

negative impact on the ability of the Office to recruit staff and on its activities;

15. Notes with concern that, despite the Court's conclusion that progress has been made in attracting new staff, the execution rate of 78,96 % meant that for a fourth consecutive year in a row the Office did not succeed in achieving its establishment plan targets; welcomes the progressively increasing occupancy rate of the Office and the fact that the Office expected to reach a 90 % execution rate of its establishment plan by the end of 2021; welcomes the reported decrease in the staff turnover rate, from 6,58 % in 2019 to 5,73 % in 2020;
16. Recalls the Court's conclusion from the financial year 2017 that contract monitoring for compliance with national rules on interim workers was poor; notes that given the fact that Case C-948/19 is pending before the Court of Justice of the European Union (the 'Court of Justice'), the Court will refrain from making any observations on the regularity of the Office's approach; calls on the Office to inform the discharge authority about the next steps it takes regarding the matter once the Court of Justice has published its decision in that case;
17. Recalls the Court's conclusion from the financial year 2018 that the Office's contracts with IT companies were formulated in a way that could imply that temporary agency workers would be assigned instead of clearly defined services or products, and that that would contravene the Staff Regulations and the social employment rules of the Union; recalls the Court's recommendation that the Office should draft contracts in a way that prevents any confusion between the procurement of IT services and of interim workers, and notes the Court's observation for the financial year 2020 that progress on that issue is still ongoing; calls on the Office to address that matter swiftly;
18. Recalls the Court's conclusion for the financial year 2019 that the procedures used for selecting and contracting external experts systematically lacked a solid audit trail and that subsequent payments on those contracts were irregular; notes with concern the Court's conclusion that the follow-up to the recommendation to address that issue is still ongoing; calls on the Office to keep the discharge authority informed about the progress made;
19. Underlines that the allocation of posts by the Commission at a disproportionate level with respect to the requirements and tasks envisaged for a particular position has a negative impact on the functioning of the Office;
20. Notes the Court's finding that in 2020, the Office had 16 vacant management posts, with 10 of those occupied on an acting basis for more than one year; notes the Court's conclusion that that is at odds with the Staff Regulations, which limit the duration of temporary management appointments to one year, and that such insecurity at the level of managerial positions might impair the Office's leadership and strategic continuity;
21. Recalls that in carrying out its operations, the Office is relatively dependent on Member States cooperating, e.g. in terms of the number of national experts made available as part of the Asylum Intervention Pool referred to in Article 15 of Regulation (EU) No 439/2010², which established the Office; stresses that, according to the Court, due to the

² Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132, 29.5.2010, p. 11.)

limited number of such national experts made available, the Office further relied on contracted temporary agency workers to perform operational support tasks on the ground; calls on the Member States to comply with their obligations as regards national experts in order to avoid the need for the Office to rely on external contractors;

22. Notes with concern the Office's gender balance in its senior management, with ten men (83,3 %) and two women (16,7 %), and on its management board, with 21 men (67,7%) and ten women (32,3%); notes that overall the staff is composed of 186 men (38,0 %) and 304 women (62,0 %); asks the Agency to ensure gender balance at management and staff levels in the future; reiterates its call on the Commission and the Member States to take the importance of ensuring gender balance into account when nominating their members to the management board of the Office;
23. Notes the pending case before the General Court as regards the procurement procedure for hiring temporary workers in Malta; underlines that high levels of transparency should be observed in conducting all public procurement procedures within Union agencies; calls on the Office to provide regular information to the discharge authority about the state and course of court proceedings in that case;

Procurement

24. Notes that the Office launched 65 procedures in 2020, compared to 48 in 2019, of which a majority negotiated procedures with one candidate (40 %) and open calls (26,15 %);

Prevention and management of conflicts of interest and transparency

25. Notes the Office's reply to the discharge authority on declarations of interests, which stated that all staff sign a declaration of interests upon entry into service; notes that the declaration of interests of the executive director has been published on the Office's website; reiterates its call on the Office to publish the declarations of interests of the other senior management members on its website;
26. Notes that a revised conflict of interest policy is in the final stage of inter-service consultation before its submission to the management board; calls on the Office to finalise that revised policy;

Internal control

27. Welcomes the revision of the control strategies for the main control activities in place by the Office, which followed a risk-based approach and took into consideration the cost-effectiveness of controls; welcomes the general improving situation as regards internal control, including procurement, in the Office, which can be deduced from the Court's report; notes, in that regard, the observation of the Court that the 2018 Governance Action Plan was discontinued in 2020 and integrated into the quarterly monitoring report to the management board and the internal control self-assessment, but that some actions are still deemed relevant by the Court and need to be addressed thoroughly, and calls on the Office to continue the implementation of those actions, noting, in particular, the number of interim workers replacing staff members, the level of vacant management posts and the update of the conflict of interest policy, and keep the discharge authority informed about the progress made;

28. Welcomes the detailed reflection of the Office's internal control self-assessment in its consolidated annual activity report, which provided very good insight into the state of internal control in the Office; notes the conclusion of the self-assessment that the Office's internal control system is effective and efficient, with the need for some improvements; encourages the Office to continue with the good practice of assessing and implementing identified improvements;
29. Welcomes the fact that the implementation of the internal control framework was further reinforced in 2020, by adding an *ex-post* control function, thus addressing observations made in previous years by the discharge authority;

COVID-19 response and business continuity

30. Notes the creation of a COVID-19 response team in the Office by decision of the executive director on 11 March 2020 and the coordinated response in the Office to the COVID-19 pandemic; further notes with concern the observation of the Court that the Office had not finalised and adopted its business continuity plan and that the Office's size and complexity of operations and recent events such as the COVID-19 pandemic underline the importance of such a formalised, up-to-date plan; notes that the Office adopted its business continuity plan on 31 March 2021;
31. Welcomes the Office's support to Member States to address the challenges arising from the COVID-19 pandemic, such as the impact of the COVID-19 pandemic on specific aspects of the asylum process and on resettlement, by means of videoconference meetings of its thematic networks; welcomes the recommendations issued on remote solutions for registration and asylum interviews; notes with appreciation the Office's proactive roll-out plan for vaccinating asylum seekers and beneficiaries of international protection;
32. Welcomes the fact that the Office reports that some of the measures taken in response to the COVID-19 pandemic have had a positive impact on the environmental performance of the Office, in particular a reduction in electricity consumption, a reduction of the Office's contribution to global CO₂ emissions from travel due to the cancellation of missions and travel for participants attending meetings of the Office and training sessions, and the end of the requirement for candidates participating in staff selection procedures and sitting for written assessments to be physically present, relying instead on remotely managed alternatives (videoconferencing and monitored online assessment);

Other comments

33. Welcomes the fact that the Office has been looking into maintaining environmental measures and complementing them with longer-lasting initiatives to reduce its carbon footprint and address the areas of green building and sustainable mobility with regard to staff-related travel, greener commuting to and from work and travel related to meetings and training activities; encourages the Office to share the lessons it learns with other members of the EU Agencies Network;
34. Notes with satisfaction the establishment in 2020 of the Office's Legal Affairs and Data Protection Sector within the Executive Office; highlights the fact that the Legal Affairs and Data Protection Sector contributes to ensuring a sound legal environment for the

functioning of the Office, handling litigation and pre-litigation procedures and representing the Office in court proceedings;

35. Highlights that in 2020 the Office continued to face difficulties in fulfilling certain tasks as a result of its outdated mandate, especially in terms of the legal framework and mechanisms for deployment of asylum support teams providing the support required by the Member States; welcomes the agreement reached by the co-legislators and the entry into force of the Regulation, which transformed the Office into a fully-fledged European Union Agency for Asylum;
36. Recalls the important role that the Office fulfils in the asylum policy framework of the Union, assisting requesting Member States with valuable expertise and resources on the matter; welcomes the signature of a new operational support plan with Spain in 2020, bringing the total number of countries assisted by the Office to eight; stresses that the activation of that support measure marked the Office becoming fully operational in its fifth Member State operation, the others being in Cyprus, Greece, Italy and Malta, which means that the Office is now supporting all main countries of first arrival to manage their asylum procedures, reception procedures, or both;
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37. 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 Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020 (2021/2122(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. Welcomes the fact that the Court of Auditors ('the Court') has declared the transactions underlying the annual accounts of the European Asylum Support Office (the 'Office') for the financial year 2020 to be legal and regular in all material aspects and that its financial position at 31 December 2020 is fairly presented; notes that the Office's budget increased from 118 to EUR 149 million (an increase of 18,6%) between 2019 and 2020, while members of staff increased from 296 to 380 (an increase of 28,4%) within the same period;
2. Notes the low rate of payment appropriations (81%) and the high carry-overs of committed appropriations (EUR 8,4 million) and cancellation rate of 19%; calls on the Office to intensify its efforts regarding the respect of the implementation cycle and budget planning; understands at the same time that the legal uncertainty around the future mandate of the Office, as well as the COVID-19 pandemic had a negative impact on the implementation of the budget;
3. Notes with satisfaction the increasing occupancy rate of the Office which is expected to reach 90% at the end of 2021 and the decrease of the staff turnover to 5,73% in 2020; welcomes the downward trend in the number of interim workers compared to the total number of staff; highlights that some of the reasons underlying the dependency on interim staff was the lack of compliance by Member States with their obligations concerning the number of national experts made available to the Office, and also the delay of the adoption and entry into force of Regulation (EU) 2021/2303¹ (the 'Regulation') establishing a European Union Agency for Asylum ; welcomes that an agreement has been reached in this regard and that the new legal framework allows the

¹ Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1.)

new agency to employ remunerated experts; underlines that in order to decrease its dependency on interim staff, the Office carried out an active dialogue with the Commission; regrets that only short term solutions could be identified and that the Office was allowed to employ 58 contractual agents in 2020 only for a period of one year, until the envisaged adoption of the Regulation; notes however, that due to the delay in the adoption of the Regulation, the Office found itself in a difficult situation, as the agreement did not allow it to extend these contracts until the entry into force of the new legal framework; notes with regret a serious lack of foresight on behalf of the Commission when designing and allocating these posts to the Office; underlines that the situation created had a negative impact on the recruitment capabilities and the ability of the Office to adequately support Member States in improving the duration of procedures and reception of asylum seekers and refugees;

4. Expresses its satisfaction that the Office has acted upon and completed one outstanding recommendation of the Court, namely establishing an effective policy for managing rented premises and related services;
5. Welcomes that the number of pending observations from previous audit reports of the Court has been halved between 2019 and 2020; notes however that 8 out of 12 recommendations still had an ongoing status; calls on the Office to comply with the Court's observations and take action in order to comply with the required legal obligations;
6. Welcomes the Office's support to Member States to address the COVID-19 challenges, such as the impact of the pandemic on specific aspects of the asylum process and resettlement, with videoconference meetings of its thematic networks; welcomes the recommendations issued on remote solutions for registration and asylum interviews; notes with appreciation the Office's pro-active roll-out plan for vaccinating asylum seekers and beneficiaries of international protection;
7. Recalls that in carrying out its operations, the Office is relatively dependent on Member States' cooperation, e.g. in terms of the number of national experts being made available as part of the Asylum Intervention Pool referred to in Article 15 of Regulation (EU) No 439/2010² establishing the Office; stresses that, according to the Court, due to the limited number of such national experts made available, the Office further relied on contracted temporary agency workers to perform operational support tasks on the ground; calls on the Member States to comply with their obligations as regards national experts in order to avoid the need for the Office to rely on external contractors;
8. Notes the pending case before the General Court as regards the procurement of hiring temporary workers in Malta; underlines that high levels of transparency should be observed in conducting all public procurement procedures within the Union agencies; calls on the Office to provide regular information to the discharge authority about the state and course of court proceedings in this case;
9. Reminds that in 2018 the Office's executive director ad interim proposed a Governance Action Plan reinforcing the Office's governance structures, and rebuilding internal capacity; notes that since then, the Office has been putting continuous efforts into

² Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132, 29.5.2010, p. 11.)

strengthening its governance and its internal control system; welcomes that, according to the Court, most of the actions set out in the plan have been completed; calls on the Office to continue the Governance Action Plan, as while 51 actions had been completed, 10 actions are still pending, including filling up the vacant management posts;

10. Welcomes the detailed report of the Office's internal control system in the annual activity report which shows good insight into the state of internal control in the Office; welcomes the fact that the implementation of the internal control framework was further reinforced in 2020, by adding an ex-post controls' function, thus addressing observations made in previous years by the discharge authority; encourage the Office to continue with this practice in order to identify and implement improvements;
11. Recalls the important role that the Office fulfils in the asylum policy framework of the Union, assisting requesting Member States with valuable expertise and resources on the matter; welcomes the signature of a new operational support plan with Spain in 2020, bringing the total number of countries assisted by the Office to eight; stresses that the activation of this support measure marked the Office becoming fully operational in its fifth Member State Operation, the others being in Cyprus, Greece, Italy and Malta, which means that the Office is now supporting all main countries of first arrival to manage their asylum and/or reception procedures;
12. Recalls that in 2020 about 13 600 applications for asylum were lodged by unaccompanied minors in the Member States; stresses the importance of providing a specific reception system for minors that protects their condition;
13. Notes that a revised conflict of interest policy is in the final stage of inter-service consultation before its submission to the management board; calls on the Office to finalize this revised policy;
14. Welcomes the creation of the COVID-19 response team in the Office and that despite facing difficulties related to COVID-19, the Office exceeded most of its targets; however, recalls the observation of the Court that the Office has not finalised and adopted its business continuity plan, especially given the Office's size and complexity of its operations;
15. Underlines that by the end of November 2021, the Office still had three ongoing disciplinary procedures, following the report of the European Anti-Fraud Office (the 'OLAF') on the Office of 2018; appreciates the cooperation of the current management with the OLAF and its commitment to address the proposed recommendations; calls on the Office to inform the discharge authority about the completion of these proceedings;
16. Underlines that the allocation of posts, by the Commission, at a disproportionate level with respect to the requirements and tasks envisaged for a position has a negative impact on the functioning of the Office;
17. Notes with satisfaction the establishment in 2020 of the Office's Legal Affairs and Data Protection Sector (the 'LDPS') within the executive office; highlights that the LDPS contributes to ensuring a sound legal environment for the functioning of the Office, handling litigation and pre-litigation procedures and representing the Office in court proceedings;

18. Notes the gender composition of the Office's senior management with 10 men (83,3%) and 2 women (16,7%), the management board with 21 men (67,7%) and 10 women (32,3%) and staff overall with 186 men (38%) and 304 women (62 %); reminds the Member States to consider gender balance when nominating members to management board;
19. Highlights that in 2020 the Office continued to face difficulties in fulfilling certain tasks as a result of its outdated mandate, especially in terms of the legal framework and mechanisms for deployment of asylum support teams providing the support required by the Member States; welcomes the agreement reached by the co-legislators on adopting a new legal framework governing the activities of the Office and its transformation into a fully-fledged European Union Agency for Asylum;
20. Notes the Court's observations on irregular payments in 2020; highlights that these payments are related to contracts signed in 2016 and 2017; appreciates the efforts of the current management to terminate where possible or otherwise diminish the future financial impact of these past contracts;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	15.2.2022
Result of final vote	+: 50 -: 6 0: 12
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, 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, 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 Skyttedal, 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, Tanja Fajon, Daniel Freund

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

50	+
NI	Laura Ferrara, Martin Sonneborn
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș 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	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	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Tanja Fajon, Maria Grapini, Sylvie Guillaume, Evin Incir, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Alice Kuhnke, Diana Riba i Giner, Tineke Strik

6	-
ECR	Jorge Buxadé Villalba
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Marcel de Graaff
NI	Milan Uhrík

12	0
ECR	Joachim Stanisław Brudziński, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Peter Kofod, Annalisa Tardino, Tom Vandendriessche
The Left	Konstantinos Arvanitis, Malin Björk, Clare Daly, Cornelia Ernst

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	31.3.2022
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">+:</div> <div>23</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">-:</div> <div>4</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">0:</div> <div>3</div> </div>
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

23	+
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

4	-
ID	Matteo Adinolfi, Jean-François Jalkh, Joachim Kuhs
NI	Mislav Kolakušić

3	0
ECR	Ryszard Czarnecki, Raffaele Fitto, Ryszard Antoni Legutko

Key to symbols:

+ : in favour

- : against

0 : abstention