



---

*Plenary sitting*

---

**A9-0123/2023**

5.4.2023

# REPORT

on discharge in respect of the implementation of the budget of the European Asylum Support Office (now the European Union Agency for Asylum) for the financial year 2021  
(2022/2098(DEC))

Committee on Budgetary Control

Rapporteur: Ramona Strugariu

## CONTENTS

	<b>Page</b>
1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	3
2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	5
3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	7
OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS .....	14
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	19
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE .....	20

## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on discharge in respect of the implementation of the budget of the European Asylum Support Office (now the European Union Agency for Asylum) for the financial year 2021  
(2022/2098(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Asylum Support Office for the financial year 2021,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2021, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2021, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2023 on discharge to be given to the Office in respect of the implementation of the budget for the financial year 2021 (06248/2023 – C9-0080/2023),
- 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 966/2012<sup>3</sup>, 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 Office<sup>4</sup>, and 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 439/2010<sup>5</sup>, 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

---

<sup>1</sup> OJ C 412, 27.10.2022, p. 12.

<sup>2</sup> OJ C 412, 27.10.2022, p. 12.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 132, 29.5.2010, p. 11.

<sup>5</sup> 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 Council<sup>6</sup>, 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 (A9-0123/2023),
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 2021;
  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).

---

<sup>6</sup> 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 the European Union Agency for Asylum) for the financial year 2021 (2022/2098(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Asylum Support Office for the financial year 2021,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2021, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2021, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2023 on discharge to be given to the Office in respect of the implementation of the budget for the financial year 2021 (06248/2023 – C9-0080/2023),
- 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 966/2012<sup>3</sup>, 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 Office<sup>4</sup>, and 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 439/2010<sup>5</sup>, 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

---

<sup>1</sup> OJ C 412, 27.10.2022, p. 12.

<sup>2</sup> OJ C 412, 27.10.2022, p. 12.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 132, 29.5.2010, p. 11.

<sup>5</sup> OJ L 468, 30.12.2021, p. 1.

the European Parliament and of the Council<sup>6</sup>, 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 (A9-0123/2023),
1. Approves the closure of the accounts of the European Asylum Support Office for the financial year 2021;
  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).

---

<sup>6</sup> 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 the European Union Agency for Asylum) for the financial year 2021 (2022/2098(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 2021,
  - 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 (A9-0123/2023),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Asylum Support Office (the ‘Office’) for the financial year 2021 was EUR 152 743 528, representing an increase of 8,5 % compared to 2020; whereas the budget of the Office derives mainly from the Union budget; recalls the fact that the Office’s growing role was highlighted in the Commission’s new pact on migration and asylum, which was published in September 2020; notes that the Office’s operational footprint has increased in past years;
- B. whereas the Court of Auditors (the ‘Court’), in its report on the annual accounts of the Office for the financial year 2021 (the ‘Court’s report’), states that it has obtained reasonable assurance that the Office’s annual accounts are reliable and that the underlying transactions are legal and regular;

#### ***Budget and financial management***

1. Notes that budget monitoring efforts during the financial year 2021 resulted in a budget implementation rate of 96,67 %, representing a slight increase of 1,53 % compared to 2020 (95,14 %); notes that the payment appropriations execution rate was at 90,91 %, representing an increase of 10 % compared to 2020 (80,91 %); commends the measures put in place by the Office to resolve the long-standing late payments issue, with a high rate (96,5 %) of payments made on time in 2021;
2. Notes that the Court declared payments made by the Office in 2021 of a total amount of EUR 362 204 irregular because they were related to procurement errors in procedures carried out in 2016 and in 2020 for rented premises in Rome and Lesbos; notes the corrective actions taken by the Office, whereby moves to new premises in Lesbos and Rome are expected in the first or second quarter of 2023; calls on the Office to keep the discharge authority informed on the progress made in that matter;

---

<sup>1</sup> OJ C 141, 29.3.2022, p. 172.

## *Performance*

3. Notes that the Office uses certain measures as key performance indicators to assess the performance of its activities; welcomes the implementation of the Office's 2021 annual work programme, with 78 % of its annual indicators and 85 % of its multi-annual indicators being achieved or exceeded, despite the continuous challenges due to the COVID-19 global pandemic;
4. Commends the Office for upscaling its technical and operational assistance to Member States and for its readiness to react swiftly to the humanitarian crisis in Afghanistan, the increased number of asylum seekers crossing the border from Belarus and the challenges stemming from the war in Ukraine; notes in that context that in 2021 new operational plans were signed by the Office with Latvia, Lithuania and Belgium, an expert platform on safe pathways for Afghans was set up, support to Member States was stepped up for the implementation of Council Directive 2001/55/EC<sup>2</sup> (the 'Temporary Protection Directive') and a number of the Office's staff was present in Moldova to support voluntary transfers to Member States by providing information on the ground;
5. Notes that the Office reported that in 2021 the Office significantly stepped up its preparations for its new mandate, in view to the final adoption of Regulation (EU) 2021/2303; calls on the Office to report to the discharge authority on the implementation of the new provisions of that Regulation regarding the Consultative Forum, the fundamental rights officer, the asylum reserve pool of 500 Member State experts, the deployment of liaison officers to Member States and third countries, the monitoring mechanism and the complaints mechanism;
6. Notes that the Office cooperates strongly at the bilateral level with other justice and home affairs agencies and that it has signed working arrangements with the European Border and Coast Guard Agency, the European Union Agency for Fundamental Rights and eu-LISA, and cooperation plans with eu-LISA, which allow for the alignment of common projects and the sharing of information in a systematic way; encourages the Office to further develop synergies and to reinforce its cooperation, its exchange of good practices and its discussions regarding areas of mutual interest with other Union agencies with a view to improving efficiency;

## *Staff policy*

7. Notes the Office's gender balance, with nine men (69 %) and four women (31 %) in its senior management, with 20 men (67 %) and 10 women (33 %) on its management board and with 176 men (39 %) and 272 women (61 %) for staff overall; recalls that the responsibility for appointing the members of the management board lies with national representatives of Member States; reiterates its calls on the Office and Member States to observe gender balance when nominating and appointing members of the senior management or of the management board;
8. Notes that, on 31 December 2021, the establishment plan was 86,61 % executed (92,35 % including 21 posts offered), with 317 temporary agents appointed out of 366 temporary agents authorised under the Union budget (compared to 366 authorised posts in 2020); notes that, in addition, 100 contract agents and six seconded national experts

---

<sup>2</sup> OJ L 212, 7.8.2001, p. 12.



worked for the Office in 2021, with 123 and 11 posts authorised, respectively; notes that 58 additional short-term (one year) contract agents posts were created in 2020 and gradually filled in 2021 for the Italian and Cypriot operations, with a scheduled phasing out in 2022; welcomes the progressively increasing occupancy rate of the Office; underlines however the staff turnover rate of 6,55 % in 2021, above the established target (<5 %);

9. Notes with great concern the Office's note n<sup>o</sup> 3.7.1 of its final accounts for 2021, which disclosed that the lack of human resources in 2022 could limit the ability to perform some of the tasks of the Office's new mandate; notes that the Office stressed the need for 68 additional posts, over a period of three years, in its establishment plan to meet the requirements of the new mandate in a sustainable way, as well as those in connection with the different crises in the field in which the Office operates; calls on the Commission to better reflect the operational needs of the Office when deciding upon future establishment plans;
10. Recalls with concern 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, thus being at odds with the Staff Regulations, which limit the duration of temporary management appointments to one year; notes the Office's reply with regard to the reasons why in 2021 the recruitment of managers was not prioritised; notes that those reasons included practical limitations caused by the COVID-19 pandemic, new migration and asylum crises, two structural reorganisations of the Office and the need to ensure business continuity, with a focus on filling other non-managerial posts; highlights the fact, however, that acting managers occupy two posts in the Office's establishment plan, a situation that could lead to inefficiencies and to impaired leadership and strategic continuity; further notes the statement of the Office's executive director during the hearing in the European Parliament on 30 November 2022, whereby at that date seven managers, including three senior management members were still on *ad interim* positions, two of whom have been for more than one year in their function; notes that, according to the Office's replies, two senior management positions were under recruitment by the end of 2022, while it was expected that the third position would be published in the following months; notes with concern the anonymous reports from the Office's members of staff alleging that the number of *ad interim* senior management positions which have been in function for more than one year was higher than two; calls on the Office to provide clarity on that matter, including to Parliament, as it concerns the Office's transparency and accountability; further notes that on 18 January 2023, the executive director decided not to renew the temporary management posts which expired after one year and discontinued those that had been in place for longer than a year; reiterates its calls on the Office to launch or finalise without delay, in full compliance with the applicable legal requirements, the recruitment procedures that are necessary to fill all its managerial posts and to keep the discharge authority informed regarding the progress made in that regard;
11. Recalls that one of the reasons underlying the dependency on interim staff was the delay of the adoption and entry into force of the Regulation (EU) 2021/2303, as the agreement did not allow the Office to extend such contracts until the entry into force of that Regulation; notes with regret the serious lack of foresight on the part of the Commission when designing and allocating those posts to the Office; underlines the fact that the situation had a negative impact on the recruitment capabilities of the Office and on the

ability of the Office to adequately support Member States, ultimately to the detriment of asylum-seekers and refugees who faced prolonged procedures and inadequate reception conditions; highlights also that those posts had been occupied on an acting basis for more than one year, at odds with the Staff Regulations and also puts strategic continuity of the Office at risk;

12. Notes with concern that on 14 September 2022, the members of Parliament's Committee on Budgetary Control (CONT) received an anonymous email containing allegations of staff-related irregularities caused by the Office's entire senior management team; is aware of the seriousness of those allegations, which include claims of unlawful, opaque or partial recruitment and promotion of senior management members, nepotism, allegations of harassment and that it was covered up, and mismanagement of funds relating to missions of Office staff; notes that, as a result of those allegations, the European Anti-Fraud Office (OLAF) launched an investigation on 24 November 2022; highlights that on 23 January 2023, some Members of CONT received another anonymous complaint with further allegations; notes that the executive director declared that she had fully supported the initiation of the investigation by OLAF and pledged, during the CONT meeting held on 30 November 2022, to assist the authorities in all possible ways; calls on the Office to inform the discharge authority about the progress and stages of the investigation;
13. Notes that the Office has put in place a policy on protecting the dignity of the person and preventing psychological and sexual harassment; welcomes the Office's organisation of awareness raising campaigns on those issues and the nomination of confidential counsellors in 2021; notes that the Office received four complaints on alleged psychological harassment, one of which was withdrawn; notes that the other three complaints were subject to a preliminary assessment carried out with support from an external law firm, which concluded that no *prima facie* evidence of harassment was found and that, therefore, no further measures by the Office were deemed necessary; calls on the Office to provide the discharge authority with the typology of cases and the criteria based on which it decides to ask for the support of an external law firm, given that the Office has its own legal services unit;
14. Notes that in 2021 the insufficient number of experts allocated by Member States remained an issue; further notes that the Office addressed deployment needs in all the Member States concerned through remunerated external experts and short-term operational contract agents; reiterates its call 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;
15. Notes with appreciation, with regard to staff well-being, that the Office has put in place internal measures such as seminars and courses, psychological and social support services, sources with tips to improve mental and physical well-being while teleworking, and language courses for staff and spouses for integration purposes;

### ***Procurement***

16. Notes that the Office launched 83 procedures in 2021, compared to 65 in 2020, 42,17 % of which were negotiated procedures with one candidate and 31,33 % of which were open calls;

17. Notes with appreciation that the Office is among the Union agencies that use the eProcurement tools of the Commission, in particular eNotices, eTendering and eSubmission; further notes that all internal procurement processes are fully digitalised by using Paperless and ERDMS; encourages the Office to continue its efforts towards the digitalisation of its public procurement procedures by considering the implementation and use of the Public Procurement Management Tool (PPMT);

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

18. Notes that, according to the Office's reply to the discharge authority on declarations of interests, all staff sign a declaration of interests upon entry into service; notes that the declaration of interests of the executive director is published on the Office's website; notes that the CVs and declarations of interests of the members of the management board are published on the Office's website; calls on the Office to publish the CVs and declarations of interests of all the senior management members on its website;
19. Welcomes the progress made by the Office towards updating its policy for the management of conflicts of interest; notes that that policy will be based on three pillars: a decision of the management board that will apply to board members and member organisations of the Consultative Forum, a decision of the executive director that will include guidance on post-employment activities and ethical guidance and that will apply to staff, contracted experts and tenderers and beneficiaries of grants, and another decision of the executive director that will integrate the Ombudsman's European Code of Good Administrative Behaviour and public service principles; welcomes the Office's commitment to also take into account the recommendations from the Court's report on the 'revolving door' issue; calls on the Office to keep the discharge authority informed on the adoption of those decisions; further notes that no cases of conflicts of interest were reported, investigated or concluded in 2021;
20. Notes the Office's efforts to raise staff awareness on the whistleblowing procedure and the dedicated whistleblowing channels; further notes that in 2021 the Office organised four training sessions on ethics and integrity, which were attended by 33 participants, and two training sessions on respect and dignity, which were attended by 24 participants; highlights, however, that as regards the disclosure of the allegations of misconduct made against the senior management team and transmitted to the discharge authority in September 2022, the individuals who initiated this procedure did not go through the dedicated whistleblowing safe-channels provided by the Office;
21. Regrets that the Office has not updated its policy for the management and prevention of conflicts of interest, as was recommended by the Court in 2020;

### ***Internal control***

22. Notes that the Office performed an assessment of its internal control system in 2021, concluding that overall controls in place are working as intended with all components and principles being effective or fully effective, while some improvements are required; further notes the state of play in the Office as regards 81 corrective actions identified, of which 30 (3 %) are planned, 38 (47 %) are in progress and 13 (16 %) have been implemented; commends the fact that in 2021, 92 % of actions were implemented in a timely manner; notes that the Office's action plan stemming from its anti-fraud strategy for 2020-2022 was fully implemented in 2021;

23. Welcomes the fact that the Office addressed the Court's ongoing observation regarding the establishment of financial *ex-post* controls; notes that in 2021 the Office implemented financial *ex-post* controls in a number of areas, for the financial years 2020 and 2021, on the basis of a risk-based strategy; welcomes the report from the Office that final report observations, recommendations and corrective actions have been fully endorsed by the Office's management and shared with the internal audit service (IAS) and the Court; calls on the Office to keep the discharge authority informed of the follow-up in that regard;
24. Notes that in 2021, the IAS performed an audit on the Office's governance and IT project management, with no important or critical issues identified; further notes, with regard to that audit and the audit on the Office's human resources management and ethics performed by the IAS in 2020, that a number of recommendations and corrective actions are still open; calls on the Office to step up its efforts to close those actions and to continue the good practice of regularly updating and publishing its internal control self-assessment corrective action plan;
25. Notes that, following receipt of a report from OLAF at the end of 2018, which was extensively covered in the discharge report for 2018, the Office initiated three disciplinary procedures in 2019; notes that all three disciplinary procedures have been completed; calls on the Office to provide the discharge authority with further details about the outcome of those procedures;

#### ***Digitalisation and green transition***

26. Notes that the Office has an information and communications technology (ICT) policy in place, which includes information security standards and a working instruction on cybersecurity incident handling procedures; welcomes the cybersecurity measures taken in 2021, such as the setting up of an ICT security operations centre and the multifactor access controls to the Office's portfolio;
27. Commends the Office for the significant progress it has made toward digitalising and automating tasks regarding financial processes, mass payment system for deployed experts, recruitment and on-boarding of new staff, upgrades to the paperless application to enhance monitoring, follow-up and control of expenditure, the electronic storage of documents and the consultation of online pay-slips; notes that in 2021 the Office implemented four additional SYSPER modules;
28. Notes the Office's current environmentally friendly measures, such as operating a shuttle bus service for its staff, facilitating car-pooling schemes and bicycle parking or reducing physical routing slips through paperless workflows; calls on the Office to follow up on the reflection from recent years on developing its environmental strategy, with measures that have a stronger and long-lasting environmental impact; encourages the Office to take the necessary steps to obtain EMAS certification;

#### ***Business continuity along crisis***

29. Welcomes the adoption of the Office's business continuity plan on 31 March 2021, thus closing the Court's observation from 2020; notes that in 2021 the COVID-19 response team was replaced by the business continuity board, which addressed important business continuity issues in the second semester of the year; notes that the COVID-19

pandemic and the fact that the Office's entire selection procedure was moved online had an impact on the Office's organisation, including on its recruitment sector, which experienced a backlog from the previous year and delays in ongoing procedures;

30. Encourages the Office to make use of the lessons learned regarding remote and hybrid working methods in order to better organise meetings and tasks that could be carried out more efficiently remotely rather than in-person in the future; recalls that in fact-finding missions the focus shifted to other methods for collecting country of origin information and maintaining contact with sources; notes that that was done through remote data collection and the use of open source intelligence tools and techniques;

#### ***Other comments***

31. Commends the Office for the efforts made to increase its public visibility in 2021 through various communication campaigns, including a campaign regarding the fact that the Office has become the European Union Agency for Asylum and the Office's new corporate identity, meetings held by the Consultative Forum, as well as collaborations with and consultations of civil society organisations in matters regarding training, thematic activities and key documents of the Office;
32. Welcomes the new updated Country of Origin Information Research Guide on the situation of LGBTIQ persons, which was published in November 2021 and which might assist lawyers, legal aid providers and judges working in the asylum procedure;
  - 
  - ◦
33. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of [...] May 2023<sup>3</sup> on the performance, financial management and control of the agencies.

---

<sup>3</sup> Texts adopted, P9\_TA(2023)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 the European Asylum Support Office (now the European Union Agency for Asylum) for the financial year 2021 (2022/2098(DEC))

Rapporteur for opinion: Saskia Bricmont

### **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 2021 to be legal and regular in all material aspects; notes that, according to its statement of revenue and expenditure the Office's budget increased to EUR 152.7 million (an increase of 8,5 %) between 2020 and 2021, while members of staff increased from 380 to 423 (an increase of 11,3 %) within the same period;
2. Welcomes the fact that several issues identified in previous years Court's observations have been addressed; regrets however that the Office has not yet remedied all the ECA's observations; stresses that, according to the Court, payments made in the 2021 financial year stem from irregular procurement procedures reported in previous years, including the rented premises in Lesbos and in Rome; notes the conclusion from the Court that subsequent payments on these contracts are irregular; encourages the Office to fully address the ongoing observations;
3. Notes that a high number of management posts are vacant and that many had been occupied by interim staff for more than one year, which is the maximum period allowed by the Union's Staff Regulations; takes note of the fact that by November 2022, three senior management members were still on interim positions, while two had occupied their posts for more than legally permitted; notes from the Office's replies that two senior management positions were under recruitment by the end of 2022; calls on the Office to fully comply with Union law provisions and refrain from prolonging ad-interim contracts for more than the maximum duration stipulated by the relevant legal provisions; recalls that one of the reasons underlying the dependency on interim staff was the delay of the adoption and entry into force of the Regulation establishing a European Union Agency for Asylum, as the agreement did not allow it to extend these



contracts until the entry into force of the new legal framework; notes with regret serious lack of foresight 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, ultimately to the detriment of asylum-seekers and refugees who faced prolonged procedures and inadequate reception conditions; highlights also that these posts had been occupied on an acting basis for more than one year, at odds with the Staff Regulations and also puts strategic continuity of the Office at risk;

4. Recalls the important role that the Office fulfils in the Common European Asylum System (CEAS), assisting requesting Member States in improving the efficiency and quality of their asylum systems; further recalls that in carrying out its operations, the Office is relatively dependent on Member States' cooperation, calls on 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;
5. Welcomes the signature of two operational support plans with Lithuania and Latvia in the third quarter of 2021, in response to the sharp increase of irregular migration flows from Belarus and the ensuing escalation in the number of asylum applications, bringing the total number of countries assisted by the Office to 8 in 2021 (Belgium, Cyprus, Greece, Italy, Latvia, Lithuania, Malta and Spain);
6. Expresses concern about the accusations of misconduct on staff-related irregularities caused by the Office's senior management, brought to the attention of OLAF and the EU institutions through an anonymous complaint in September 2022; is deeply concerned about the seriousness of the aforementioned allegations that include claims of unlawful, opaque or partial recruitment and promotion of senior management members, allegations of harassment or mismanagement of funds relating to missions of Office staff; requests that allegations of misconduct are thoroughly checked and investigated; is further concerned about the opening of an investigation by OLAF; calls on the Office to ensure the full and sincere cooperation with OLAF throughout all stages of the investigation and to regularly report to the European Parliament about the progress of the state and outcome of the investigation; underlines that that two recommendations from the Internal Audit Service audit on HR management and ethics, rated 'important' and referring to the recruitment process and anti-harassment policy, were implemented after the release of the 'whistleblower' note; welcomes the IAS conclusion of 15 November that those recommendations had been adequately and effectively implemented;
7. Regrets that the Office has not updated its policy for the management and prevention of conflict of interest as was recommended by the Court in 2020;
8. Stresses the impact of the Russian war against Ukraine on the activities of the Office and the fact that the Office had to request additional human and financial resources to face the increased demand for assistance from Member States; commends in this regard the prompt actions taken by the Office to support Member States in the implementation of the Temporary Protection Directive, as well as the deployment of a number of staff in the Republic of Moldova, assisting voluntary transfers to Member States and providing useful relevant information to asylum seekers arriving from Ukraine; calls on the Commission to improve its reaction capacity to such situations and allocate in time the

necessary resources to respond to such events; underlines the fact that the lack of human resources in 2022 limited the ability to perform some of the tasks of the new mandate of the Office, and that the financial effects of the Russian war against Ukraine cannot be reliably estimated;

9. Welcomes the new updated COI Research Guide on the situation of LGBTIQ persons published in November 2021, which may assist lawyers, legal aid providers and judges working in the asylum procedure;
10. Notes the fact that in 2021, the commitment appropriations and the payment appropriations levels were 97 % and 91 % respectively;



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	1.3.2023
<b>Result of final vote</b>	+: 57 -: 5 0: 2
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlan, Malik Azmani, Katarina Barley, Pietro Bartolo, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Patricia Chagnon, Caterina Chinnici, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nuno Melo, Maite Pagazaurtundúa, Karlo Ressler, Diana Riba i Giner, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Jadwiga Wiśniewska, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Susanna Ceccardi, Gwendoline Delbos-Corfield, Loucas Fourlas, Beata Kempa, Philippe Olivier, Dragoș Tudorache, Petar Vitanov, Tomáš Zdechovský
<b>Substitutes under Rule 209(7) present for the final vote</b>	Gheorghe Falcă, Jean-François Jalkh, Petra Kammerevert, Marisa Matias, Martina Michels, Ljudmila Novak, Stanislav Polčák, Mick Wallace, Bernhard Zimniok

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

57	+
ECR	Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Tom Vandendriessche
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Gheorghe Falcă, Loucas Fourlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Ljudmila Novak, Stanislav Polčák, Karlo Ressler, Sara Skyttedal, Tomas Tobé, Javier Zarzalejos, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom, Dragoş Tudorache
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Petra Kammerevert, Łukasz Kohut, Juan Fernando López Aguilar, Birgit Sippel, Petar Vitanov
The Left	Clare Daly, Marisa Matias, Martina Michels, Mick Wallace
Verts/ALE	Patrick Breyer, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

5	-
ID	Patricia Chagnon, Jean-François Jalkh, Philippe Olivier, Bernhard Zimniok
NI	Milan Uhrík

2	0
ID	Susanna Ceccardi, Annalisa Tardino

Key to symbols:

+ : in favour

- : against

0 : abstention

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	22.3.2023
<b>Result of final vote</b>	+ : 17 - : 7 0 : 0
<b>Members present for the final vote</b>	Gilles Boyer, Olivier Chastel, Caterina Chinnici, Ilana Cicurel, Corina Crețu, José Manuel Fernandes, Daniel Freund, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, Joachim Kuhs, Claudiu Manda, Alin Mituța, Markus Pieper, Petri Sarvamaa, Eleni Stavrou, Angelika Winzig, Lara Wolters, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Maria Grapini, Viola von Cramon-Taubadel
<b>Substitutes under Rule 209(7) present for the final vote</b>	Isabel Benjumea Benjumea, Claude Gruffat, Anne-Sophie Pelletier

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

17	+
PPE	Isabel Benjumea Benjumea, José Manuel Fernandes, Monika Hohlmeier, Markus Pieper, Petri Sarvamaa, Eleni Stavrou, Angelika Winzig, Tomáš Zdechovský
Renew	Gilles Boyer, Olivier Chastel, Ilana Cicurel, Alin Mituța
S&D	Caterina Chinnici, Corina Crețu, Isabel García Muñoz, Maria Grapini, Claudiu Manda

7	-
ID	Jean-François Jalkh, Joachim Kuhs
S&D	Lara Wolters
The Left	Anne-Sophie Pelletier
Verts/ALE	Daniel Freund, Claude Gruffat, Viola von Cramon-Taubadel

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention