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*Plenary sitting*

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**A9-0138/2023**

12.4.2023

# 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 2021  
(2022/2121(DEC))

Committee on Budgetary Control

Rapporteur: Ramona Strugariu

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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 2021 (2022/2121(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 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 Agency in respect of the implementation of the budget for the financial year 2021 (06248/2023 – C9-0103/2023),
- 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) 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<sup>4</sup>, 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 Council<sup>5</sup>, and in particular Article 105 thereof,

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<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 135, 24.5.2016, p. 53.

<sup>5</sup> 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 (A9-0138/2023),
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 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 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).

## 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 2021 (2022/2121(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 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 Agency in respect of the implementation of the budget for the financial year 2021 (06248/2023 – C9-0103/2023),
- 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) 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<sup>4</sup>, 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 Council<sup>5</sup>, and in particular Article 105 thereof,

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<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 135, 24.5.2016, p. 53.

<sup>5</sup> 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 (A9-0138/2023),
1. Approves the closure of the accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021;
  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 2021 (2022/2121(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 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 (A9-0138/2023),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Union Agency for Law Enforcement Cooperation (Europol) (the ‘Agency’) for the financial year 2021 was EUR 178 310 917, representing an increase of 12,41% compared to 2020; 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 2021 (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 2021 resulted in a budget implementation rate of 98,72%, representing a decrease of 0,72% compared to 2020; notes that the payment appropriations execution rate was 83,51%, indicating a decrease of 1,58% compared to 2020;
2. Notes with concern that the observation from the Court stressing that the Agency faces challenges regarding late payments is still ongoing; shares the opinion of the Court that that recurrent weakness exposes the Agency to reputational risks; notes the Agency’s efforts made to reduce its payment delays; commends the fact that in 2021 the late payment rate was 7,8%, compared to 32,8% in 2020; welcomes the Agency’s commitment to reach a maximum of 5% of payment delays in 2022, including by monitoring a performance indicator on a monthly basis and other mitigating actions; observes that appropriations related to the current budget carried over from 2021 to 2022 are at a relatively high level of 15,20% or EUR 25,7 million; calls on the Agency to continue its efforts and address this aspect in full compliance with the principle of

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<sup>1</sup> OJ C 162, 13.4.2022, p. 16.

annuality;

### ***Performance***

3. 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 2021 the Agency monitored, in total, 44 corporate performance indicators, of which 33 reached or exceed the set targets;
4. Commends the Agency's progress made towards achieving its five multi-annual strategic priorities set in the Europol Strategy 2020+; notes, in particular, the setting up of the SIRENE Office, the delivery of the data analysis portal for operational analysis, which incorporates new features to enhance data protection by design, and the regular support of the Agency to four major Horizon 2020 innovation projects; further notes the endorsement in 2021 of the implementation plan for the Agency's information management strategy, which aims to achieve eight strategic objectives through actions and tasks that will be monitored and reported on regularly by the newly created Information Management Unit;
5. Highlights the fact that in 2021 the number of operations was 2519, i.e. 9% higher than in 2020; further highlights outstanding results in several areas such as the use of EIS (Europol Information System) and QUEST (Query Europol System), in which, in 2021, more than 12 million searches were recorded, representing a 20% increase compared to 2020; notes the positive assessments given by users in 2021 on the occasion of the user satisfaction surveys carried out by the Agency with regard to several of its activities;
6. Welcomes that in 2021 the European Counter Terrorism Centre (ECTC) supported a total of 1 010 operations in the area of counterterrorism, which is well above the annual target set at 650; notes that in the context of the Terrorist Finance Tracking Programme Agreement with the USA, 104 searches were requested by the Union in 2021, compared to 174 in the previous year;
7. Welcomes the activities of the Agency under Western Balkan Partnership against Crime and Terrorism, in particular the first operational training needs analysis workshop which took place in Sarajevo, followed by a regional training course focusing on countering terrorism financing in Budapest, as well as several workshops and webinars;
8. Welcomes the cross-border initiatives in the area of counterterrorism, namely those with the countries in the Western Balkans and countries in the Middle East and North Africa (MENA) and Turkey; notes especially the ECTC meetings organised by the Commission's Directorate General for Migration and Home Affairs with all Western Balkan partners to discuss the progress and the report on the implementation of the joint action plan on counterterrorism for the Western Balkans; notes the ECTC attendance at several workshops, conferences and meetings organised by the delegations from the European External Action Service in the MENA region, the Arab Interior Ministers' Council and the Counter Terrorism MENA Project; encourages the Agency to continue cross-border cooperation with third countries in the area of counterterrorism;
9. Notes with satisfaction that the Agency strives for close cooperation with other Union bodies and international organisations in order to guarantee the security interests of all Union citizens; welcomes the Agency's cooperation with the European Anti-Fraud



Office (OLAF) in Operation Sentinel, which was joined by OLAF, with the European Public Prosecutor's Office in Operation Sentinel against fraud relating to Union COVID-19 recovery funds, and with the European Union Agency for Law Enforcement Training (CEPOL) in various ways, such as through training sessions and conferences; calls on the Agency to further continue the development of strong ties with other relevant Union institutions; encourages the Agency to explore ways of sharing resources or staff, or both, on overlapping tasks among other agencies with similar activities, most notably CEPOL;

10. Welcomes the establishment of the Europol Data Protection Experts Network, which is used as a channel to present projects, best practices and events linked to data protection in a law enforcement context;
11. Notes the collaboration between the Agency and the European Data Protection Supervisor (EDPS) in 2021, with an increase of activities regarding prior consultation as required by Article 39 of Regulation (EU) 2016/794 (the 'Europol Regulation'); further notes that all actions (except one pending technical implementation) contained in the action plan prepared by the Agency as a follow up to the EDPS decision of 18 September 2020 regarding the processing of large and complex datasets were fully implemented and evaluated; further notes that 25 staff members, representing 3% of the Agency's workforce, are estimated to be committed for efforts in responding to data protection supervision and assurance related actions; notes, nevertheless, that in September 2022, the EDPS requested that the Court of Justice of the European Union (CJEU) annul two provisions of the amended Europol Regulation; notes with appreciation, in light of the EDPS request that the CJEU annul two provisions, the action taken by Member States, operational cooperation partners and the Agency, as no request was made to these articles and all contributions from before the entry into force of the amended Europol Regulation have meanwhile been assigned a data subject category;
12. Is concerned about one individual complaint in particular to the EDPS introduced against the Agency for the refusal to grant access to personal data; notes that the EDPS issued a decision instructing the Agency to comply with the data subject's request two years after the complaint was introduced following exchanges between the EDPS and the Agency; calls on the Agency to report to the discharge authority about the progress of this situation and to fully comply with its obligations concerning the protection of personal data;
13. Welcomes the signature of a memorandum of understanding with the Fundamental Rights Agency which would contribute to ensure the Agency's compliance with fundamental rights;

### ***Staff policy***

14. Notes with appreciation that, on 31 December 2021, the establishment plan was 99,80% implemented, with 614 temporary agents appointed out of 615 temporary agents authorised under the Union budget (same as in 2020); notes that, in addition, 214 contract agents and 59 seconded national experts worked for the Agency in 2021, with 235 and 71 authorised respectively; notes that the Agency differentiates between four categories of seconded national experts, with three categories bearing no or limited

costs for the Agency's budget and representing another 91 persons, bringing the total number of seconded national experts to 150 in 2021;

15. Commends the Agency's low vacancy rate of 0,2% in 2021, well below the annual target of a maximum vacancy rate of 2%, as well as the decrease of the turnover rate from 10,9% in 2020 to 6,9% in 2021; further notes that the Agency regularly monitors those indicators against annual targets; welcomes the fact that the Agency has taken several measures to prevent high turnover rates, such as the possibility for internal career advancement, a flexible working regime or training and development opportunities; acknowledges, nevertheless, that for certain restricted positions in the core area of law enforcement work, the maximum contract duration is nine years;
16. Notes the gender distribution reported for 2021 for senior and middle management, with 83% being men (29 men and 6 women), for the management board, with 79% being men (44 men and 12 women) and for the overall staff, with 65% being men (541 men and 288 women); is concerned over a decrease in the percentage of women in management posts, with 17% in 2021 compared to 21% in 2020; acknowledges that the responsibility to ensure gender balance within the members of the management board lies with the Member States; reiterates its call on the Agency and the Member States to ensure a more equal gender distribution on the management board, in the Agency's management and within staff levels in the future; recalls also the importance of ensuring a balanced geographical representation among the Agency's management and staff members;
17. Notes the Agency's reply that in 2021 there was one administrative inquiry into allegations of harassment regarding a work-related conflict situation; further notes that the administrative inquiry was concluded in June 2022 and that no decision had been taken by the time the discharge authority received the Agency's reply on 16 September 2022; calls on the Agency to keep the discharge authority informed with regard to the decision and follow-up in that matter; further notes that no harassment cases relating to the Agency's staff were brought before a court in 2021;
18. Expresses concern over the 8 burnout cases reported by the Agency in 2021; recalls, nevertheless, that that represents less than 1% of the total staff of the Agency; notes with appreciation that the Agency took several preventive actions, including the provision of occupational health and lifestyle advice, medical part-time schedules, mental check-ups, flexitime options or dedicated meetings for addressing the well-being of staff;
19. Welcomes the approval of the Agency's 2020+ human rights strategy and the diversity and inclusion strategy; further welcomes the audits on diversity, equality and inclusion, and the review of the Agency's ethics framework, both carried out in 2021 by the internal audit capability (IAC); commends the positive conclusions of those audits;
20. Notes with appreciation that following the release of the SYSPER human resources management system to all staff at the Agency, the Agency has implemented a basic set of modules, as well as most of the optional ones; acknowledges that the implementation of further modules is ongoing; calls on the Agency to continue the digitalisation of its human resources management activities;

### ***Public procurement***

21. Notes that in 2021 the implementation of the Agency's annual procurement plan reached 79%, including 10 procurement procedures for contracts above EUR 15 000 for a total value of EUR 58 314 000; notes with great concern that one contract of a value of EUR 405 000 was concluded under a negotiated procedure without prior publication of a contract notice; calls on the Agency to fully respect all legal provisions concerning thresholds for the publication of contract notices;
22. Welcomes the fact that the digitalisation of public procurement procedures is part of the Agency's procurement policy and finance unit strategy; notes with satisfaction that the Agency uses e-procurement tools such as eNotices, eSubmission and eTendering, the latter also applying to middle-value procedures as of 2022; notes with satisfaction that the Agency is in the process of on-boarding the public procurement management tool, intended for deployment from January 2023; encourages the Agency to continue the digitalisation of its procurement procedures and to report to the discharge authority about the progress achieved;
23. Welcomes the participation of the Agency in 16 interinstitutional procurement procedures organised by other contracting authorities; encourages the Agency to continue participating in such procedures in order to enhance efficiency and achieve economies of scale;
24. Commends that, according to the Court's report, in the area of procurement and contract management, all follow-up actions regarding the Court's observations from previous years have been completed;

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

25. Notes the Agency's existing measures and ongoing efforts to secure transparency, the prevention and management of conflicts of interest, whistleblower protection and the fight against harassment; notes with satisfaction that declarations of interests and CVs of management board members and senior management are published on the Agency's website; commends the Agency in particular for being among the nine agencies who had introduced their own internal rules to deal with the lack of provisions in Union law governing the activities of members of agencies' boards, thus going beyond the minimum legal requirements when handling potential 'revolving door' situations;
26. Notes that between 2019 and 2021, the Agency assessed two cases of a potential conflict of interest in relation to a senior member of staff taking up a new job elsewhere; notes with concern the Court's finding that in one of those cases the Agency did not issue its decision within the deadline provided by Article 16 of the Staff Regulations and thus effectively authorised the person concerned to take up the new job without any restrictions; notes that, according to the Agency's reply, an *ex-post* assessment confirmed that the Agency was not exposed to a conflict of interest situation; calls, nevertheless, on the Agency to comply with all provisions of the Staff Regulations and to apply in a comprehensive and effective way the legal framework applicable to the handling potential 'revolving door' situations and the associated risk of conflicts of interest;
27. Notes the reports about cooperation between the Agency and Frontex in the field of border guard operations, particularly in light of the findings regarding Frontex's 'Processing of Personal Data for Risk Analysis' programme; recalls that cooperation

between the Agency and other JHA agencies should be fully transparent and subject to an adequate framework of oversight and that accountability should be ensured; calls on the Agency to take measures to ensure full compliance with Union transparency rules as well as with fundamental rights with data protection standards, in particular, and accountability, including when cooperating with other JHA agencies and partners; considers that the disclosure of meetings and interactions between the Agency and third parties, where that can be disclosed without prejudice to its operational activities, contributes to ensuring enhanced transparency; welcomes the swift appointment of the Agency's fundamental rights officer, a position which was introduced by Regulation (EU) 2022/991, which amended the Europol Regulation and which entered into force on 28 June 2022;

### ***Internal control***

28. Notes that the Commission's Internal Audit Service (IAS) completed its audit on the Agency's contract management and issued four recommendations marked as "important"; calls on the Agency to take the necessary actions for the implementation of these recommendations; calls on the Agency to fully implement all the open recommendations marked as 'important' issued by the IAS from previous audits on human resources management and ethics and IT security and to keep the discharge authority informed on the progress made in that regard;
29. 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; notes the good progress made by the Agency regarding the follow-up to IAC audit recommendations, with 87% implementation rate of all the critical and very important recommendations issued since 2015 (381 recommendations overall) and foreseen for completion in 2021;
30. Notes that in 2021, the IAC also completed three audit engagements on the Agency's 24/7 operational support, on validation of user access rights granted in ABAC and on the Agency's document forensics, with 32 recommendations issued, two of which are marked as 'critical' and two of which are marked as 'very important'; notes with concern the IAC's audit of the Agency's asset management, with 39 recommendations issued, 5 of which are marked as 'critical' and 15 of which are marked as 'very important'; calls on the Agency to implement the IAC's recommendations within the agreed timeframe and to keep the discharge authority informed of the progress made in this matter;
31. Notes the Court's four recommendations made by the Court in its special report of 2021 on Agency's effectiveness of its support to the Member States in combating migrant smuggling; calls on the Agency to implement the Court's recommendations within the agreed timeframe and keep the discharge authority informed of the progress made in that regard;

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

32. Notes the various ICT-related developments by the Agency in 2021 in the areas of information exchange, search, cross-checking and data management, and accreditation

of information systems; further notes the Agency's progress towards Union interoperability and access to Union large-scale IT systems, the measures taken in order to increase the Agency's cyber security and other initiatives such as the endorsement of the Agency's hybrid cloud strategy, the selection of a tool for face recognition through biometrics technology and the rolling out of the e-signature tool for internal documents;

33. Notes with concern that the Agency experienced two distributed denial of service cyberattacks against its public website in 2021; notes with satisfaction that those attacks only caused minimal disruption;
34. Encourages the Agency to work in close cooperation with the European Union Agency for Cybersecurity and the Computer Emergency Response Team for the EU Institutions, bodies and agencies and to carry out regular risk assessments of its IT infrastructure and to ensure that regular audits and tests are carried out on its cyber defences; suggests that the Agency offer regularly updated cybersecurity-related training programmes to all of its staff;
35. Commends the Agency for having received the EMAS and ISO 14001:2015 certifications in 2021; welcomes the Agency's efforts to reduce or offset its CO<sub>2</sub> emissions ranging from purchasing electricity from 100% renewable sources to awareness-raising measures among staff; notes that, for contracts above EUR 15 000, the Agency applies environmental considerations; notes with appreciation that the Agency monitors its environmental impact through environmental indicators included in the Agency's annual activity report;

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

36. Notes with appreciation that in 2021 the Agency's crisis management team continued to manage the effects of the COVID-19 pandemic by providing guidance on steps to follow and regular updates to staff; notes in that context that some activities requiring physical presence had to be postponed or cancelled, while teleworking remained the norm for most of the non-operational staff; welcomes the approval of the Agency's business impact analysis, which includes the lessons learned from the COVID-19 crisis and the power outage incident from 2020;

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

37. Notes the improved metrics in 2021 regarding the Agency's presence in high-impact web-based media and the number of visitors to the Agency's website, as well as its efforts to increase its public visibility through interviews and press releases; encourages the Agency to continue promoting its work, research and activities;
38. Calls on the Agency to focus on disseminating the results of its operations to the general public and to reach out to the public via the social media and other media outlets; welcomes in that regard the Agency's current efforts to promote its activities;

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39. Refers, for other observations of a cross-cutting nature accompanying its decision on

discharge, to its resolution of ...<sup>2</sup> on the performance, financial management and control of the agencies.

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<sup>2</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 Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 (2022/2121(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 Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2021 to be legal and regular in all material respects; recalls that according to its statement of revenue and expenditure, the budget of the Agency increased in 2021 to EUR 178 million (+12.41%), while members of staff increased from 884 to 979 (+10,75%) within the same period;
2. Welcomes the establishment of the Europol Data Protection Experts Network (EDEN), used as a channel to present projects, best practices and events linked to data protection in a law enforcement context;
3. Welcomes the signature of a memorandum of understanding with the Fundamental Rights Agency, which would contribute to ensure Europol's compliance with fundamental rights;
4. Takes note of the reported observations with respect to management and control systems, namely the assessment made by the Agency of two cases of potential conflict of interest situation in relation to one senior manager taking up a job elsewhere; is concerned that in the case reviewed by the Court, the Court found that Europol did not issue its decision within the deadline set in Article 16 of the Staff Regulations and thus effectively authorised the person concerned to take up the new job without any restrictions and in contravention of above-mentioned article; takes note of the Europol's commitment to adapt its procedures for communicating the decision within the applicable timelines; further notes that according to Europol's reply, the Agency had conducted an ex-post assessment and considered that the organization was not exposed to a conflict of interest situation; welcomes that Europol is one of nine EU decentralised agencies that has specific provisions covering the risk of 'revolving door' situations in relation to members of its board and requests that such provisions are fully implemented



to prevent any potential future ‘revolving door’ case;

5. Notes with concern that the observation from the Court stressing that late payments were issued by the Agency in 33% of the cases in 2020 is still ongoing; expresses concern that, according to the Court, similar levels of delays were observed in previous years; shares the opinion by the Court that this recurrent weaknesses expose Europol to reputational risks; notes however that in 2021 payment delays were reduced to 8%; welcomes the fact that Court's observations from 2018 and 2019 regarding contract management and ex-ante controls have been completed; calls on the Agency to continue its efforts in addressing all the observations from the Court;
6. Notes that on 16 September 2022, the European Data Protection Supervisor (EDPS) requested that the Court of Justice of the European Union annul two provisions of the amended Europol Regulation, namely Articles 74a and 74b, arguing that seriously undermine legal certainty for individuals’ personal data and threaten the independence of the EDPS; highlights that the responsibility concerning the legality of articles in the Regulation detailing mandate and prerogatives of the Agency falls to the co-legislators and the Court, when certain provisions are challenged and takes note that all contributions from before the entry into force of the amended Europol Regulation have meanwhile been assigned with a Data Subject Category (DSC); reiterates however its utmost concerns regarding the impact on individuals’ fundamental rights in the “big data challenge” inquiry, admonishment decision and order;
7. Notes with concern the reports about the cooperation between Europol and Frontex in the field of border guard operations, particularly in the context of Frontex’s PeDRA program ‘Processing of Personal Data for Risk Analysis’<sup>1</sup>; recalls that cooperation among Europol and other JHA Agencies is fully transparent and subject to an adequate framework of oversight and accountability ensured; calls on the Agency to take measures to ensure full compliance with EU transparency rules as well as with fundamental rights with data protection standards in particular and accountability, including when cooperating with other JHA Agencies and partners; considers that the disclosure of meetings and interactions between the Agency and third parties when this can be ensured without prejudice to its operational activities, contributes to ensuring transparency; welcomes the swift appointment of the Europol Fundamental Rights Officer, position which was introduced with the amendments to the Europol Regulation that entered into force on 28 June 2022;
8. Is concerned about one individual complaint in particular to the EDPS introduced against Europol for the refusal to grant access to personal data; takes note that the EDPS issued a decision instructing Europol to comply with the data subject request two years after the complaint was introduced following the exchanges between the EDPS and Europol; calls on Europol to report to the discharge authority about the progress of this situation and to fully comply with its obligations concerning the protection of personal data;

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<sup>1</sup> <https://balkaninsight.com/2022/07/07/eus-frontex-tripped-in-plan-for-intrusive-surveillance-of-migrants/>



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	1.3.2023
<b>Result of final vote</b>	+: 52 -: 0 0: 12
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlani, 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

52	+
ID	Susanna Ceccardi, Annalisa Tardino, Tom Vandendriessche
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Gheorghe Falcă, Loucas Furlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Ljudmila Novak, Stanislav Polčák, Karlo Ressler, Sara Skytvedal, 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, Dragoș 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	Marisa Matias, Martina Michels
Verts/ALE	Patrick Breyer, Saskia Briemont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

0	-

12	0
ECR	Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Patricia Chagnon, Jean-François Jalkh, Philippe Olivier, Bernhard Zimniok
NI	Milan Uhrík
The Left	Clare Daly, Mick Wallace

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>	+: 22 -: 1 0: 0
<b>Members present for the final vote</b>	Gilles Boyer, Olivier Chastel, Caterina Chinnici, Ilana Cicurel, Corina Crețu, José Manuel Fernandes, Luke Ming Flanagan, Daniel Freund, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, 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, Niclas Herbst, Mikuláš Peksa
<b>Substitutes under Rule 209(7) present for the final vote</b>	Anne-Sophie Pelletier

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

22	+
PPE	José Manuel Fernandes, Niclas Herbst, 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, Lara Wolters
The Left	Luke Ming Flanagan, Anne-Sophie Pelletier
Verts/ALE	Daniel Freund, Mikuláš Peksa

1	-
ID	Jean-François Jalkh

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention