



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Budgetary Control

2013/0091(COD)

8.10.2013

OPINION

of the Committee on Budgetary Control

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))

Rapporteur: Inés Ayala Sender

PA_Legam

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director. To streamline the decision making process, and to reinforce supervision of administrative and budgetary management, the Management Board should be also entitled to establish an Executive Board.

Amendment

(17) The Management Board should be given the necessary powers, in particular to set the budget, verify its execution, adopt the appropriate financial rules and planning documents, ***adopt measures to protect the financial interests of the Union and to fight against fraud, as well as adopt rules for the prevention and management of conflicts of interests***, establish transparent working procedures for decision-making by the Executive Director of Europol, and adopt the annual activity report. It should exercise the powers of appointing authority towards staff of the agency including the Executive Director. To streamline the decision making process, and to reinforce supervision of administrative and budgetary management, the Management Board should be also entitled to establish an Executive Board.

Justification

Given the redundancy of the tasks fulfilled by the Executive Board with those already taken by the Management Board, the rapporteur considers the Executive Board is not necessary.

Amendment 2

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) To enhance operational cooperation between the agencies, ***and particularly to establish links between data already in possession of the different agencies***, Europol should ***enable*** Eurojust and the European Anti-Fraud Office (OLAF) ***to have access to and be able to search against data available at Europol.***

Amendment

(23) To enhance operational cooperation between the agencies, Europol should ***agree with*** Eurojust and the European Anti-Fraud Office (OLAF) ***on cooperation arrangements within their respective mandates, where necessary.***

Justification

See Articles 13 and 8 of the OLAF Regulation

Amendment 3

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Europol Academy shall submit an annual report of its activities and achievements, including an overview of its annual accounts, to the competent committees of the European Parliament.

Amendment 4

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. The term of office for members and alternate members shall be four years. That term shall be ***extendable***. Upon expiry of their term of office or in the event of their

Amendment

5. The term of office for members and alternate members shall be four years. That term shall be ***renewable***. Upon expiry of their term of office or in the event of their

resignation, members shall remain in office until their appointments are renewed or until they are replaced.

resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Justification

To bring in line the wording of the proposal with the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies. (See point No. 10)

Amendment 5

**Proposal for a regulation
Article 13 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. Each member of the Management Board shall submit a declaration of his or her interests at the beginning of his or her term of office.

Amendment 6

**Proposal for a regulation
Article 14 – paragraph 1 – point o**

Text proposed by the Commission

Amendment

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports ***and evaluations, as well as from investigations*** of the European Anti-fraud Office (OLAF);

(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports ***of the European Court of Auditors and those arising out of the investigations conducted by the*** European Anti-fraud Office (OLAF), ***and forward to the European Parliament and to the Council all information relevant to the outcome of the evaluation procedures;***

Amendment 7

**Proposal for a regulation
Article 19 – paragraph 5 – point h**

Text proposed by the Commission

(h) preparing an anti-fraud strategy for Europol and presenting it to the Management Board for approval;

Amendment

(h) preparing an anti-fraud strategy ***and a strategy to prevent and manage conflicts of interests*** for Europol and presenting it to the Management Board for approval;

Amendment 8

Proposal for a regulation

Article 20 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Each member of the Scientific Committee for Training shall submit a declaration of his or her interests at the beginning of his or her term of office.

Amendment 9

Proposal for a regulation

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27a

Cooperation of Europol with OLAF

1. Europol shall cooperate with OLAF, as appropriate, within its mandate to protect the financial interests of the Union.

Where necessary in order to facilitate that cooperation and in accordance with Article 13 of Regulation (EU, Euratom) No 883/2013, Europol shall agree with OLAF on administrative arrangements. Such working arrangements may concern the exchange of operational, strategic or technical information, including personal data and classified information and, on request, progress reports.

2. Europol shall transmit to OLAF without delay any information considered pertinent which it holds relating to the

fight against fraud, corruption or any other illegal activity affecting the financial interests of the Union.

3. Europol shall inform the competent authorities of the Member States concerned in good time of those cases where information provided by them is transmitted by Europol to OLAF.

Justification

See Articles 13 and 8 of the OLAF Regulation

Amendment 10

Proposal for a regulation

Article 53 – paragraph 3 – point b

Text proposed by the Commission

(b) the working arrangements adopted pursuant to Article 31(1).

Amendment

(b) the working arrangements adopted pursuant to Article 31(1), **and notifications of instances where the Executive Director applies Article 31(2).**

Amendment 11

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. The financial rules applicable to Europol shall be adopted by the Management Board after consultation with the Commission. They shall not depart from [the framework Financial Regulation] unless such a departure is specifically required for Europol's operation and the Commission has given its prior consent.

Amendment

1. The financial rules applicable to Europol shall be adopted by the Management Board after consultation with the Commission. They shall not depart from [the framework Financial Regulation] unless such a departure is specifically required for Europol's operation and the Commission has given its prior consent; **the European Parliament shall be notified of any such departure.**

Amendment 12

Proposal for a regulation
Article 67 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol shall publish on its website a list of its Management Board members and external and in-house experts, together with their respective declarations of interests and curricula vitae. The minutes of the meetings of the Management Board shall be systematically published. Europol may temporary or permanently restrict the publication of documents if it risks jeopardising the performance of Europol's tasks, taking into account its obligations of discretion and confidentiality.

Amendment 13

Proposal for a regulation
Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67 a

Prior notification and red-flag-mechanism

The Commission shall activate a warning system if it has serious concerns that the Management Board may be about to take decisions which would not comply with Europol's mandate, would breach Union law or would be in contradiction with Union policy objectives. In such cases, the Commission shall raise the matter formally with the Management Board and ask it to refrain from adopting the relevant decision. Should the Management Board refuse to comply with the request, the Commission shall formally inform the European Parliament and the Council thereof, with a view to a swift response. The Commission may ask

the Management Board to refrain from implementing the contentious decision for as long as the representatives of the institutions are still discussing the issue.

Justification

See point No. 59 of the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies.

Amendment 14

**Proposal for a regulation
Article 70 – paragraph 2**

Text proposed by the Commission

2. The Commission shall forward the evaluation report together with its conclusions on the report to the European Parliament, the Council, the national parliaments and the Management Board.

Amendment

2. The Commission shall forward the evaluation report together with its conclusions on the report to the European Parliament, the Council, the national parliaments and the Management Board. ***In addition, the Commission shall provide the European Parliament, the Council and the national parliaments with any other information on the evaluation if requested.***

Justification

See point No. 63 of the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies.

Amendment 15

**Proposal for a regulation
Article 74 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. The Management Board shall formulate detailed provisions governing the procedure provided for in Article 67a and submit them to the Commission for

approval.

PROCEDURE

Title	European Union Agency for Law Enforcement Cooperation and Training (Europol) and repeal of Decisions 2009/371/JHA and 2005/681/JHA
References	COM(2013)0173 – C7-0094/2013 – 2013/0091(COD)
Committee responsible Date announced in plenary	LIBE 21.5.2013
Opinion by Date announced in plenary	CONT 21.5.2013
Rapporteur Date appointed	Inés Ayala Sender 1.7.2013
Date adopted	2.10.2013
Result of final vote	+: 16 -: 1 0: 0
Members present for the final vote	Jean-Pierre Audy, Inés Ayala Sender, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Bogusław Liberadzki, Crescenzo Rivellini
Substitute(s) present for the final vote	Philip Bradbourn, Karin Kadenbach, Marian-Jean Marinescu, Markus Pieper, Czesław Adam Siekierski, Barbara Weiler
Substitute(s) under Rule 187(2) present for the final vote	María Auxiliadora Correa Zamora, Spyros Danellis, Wolf Klinz, Gesine Meissner