



2021/2146(DEC)

4.3.2022

AMENDMENTS

1 - 101

Draft report
Tomáš Zdechovský
(PE698.988v01-00)

2020 discharge : European Border and Coast Guard Agency
(2021/2146(DEC))

Amendment 1

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the Agency's budget for the financial year 2020*** / Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Amendment

1. Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Or. en

Amendment 2

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the Agency's budget for the financial year 2020*** / Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Amendment

1. Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Or. en

Amendment 3

Younous Omarjee

Proposal for a decision 1
Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the Agency's budget for the financial year 2020*** / Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Amendment

1. Postpones its decision on granting the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the budget of the Agency for the financial year 2020;

Or. en

Amendment 4
Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh

Proposal for a decision 2
Paragraph 1

Proposal for a decision

1. ***Approves the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020*** / Postpones the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

Amendment

1. Postpones the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

Or. en

Amendment 5
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a decision 2
Paragraph 1

Proposal for a decision

1. ***Approves the closure of the***

Amendment

1. Postpones the closure of the

accounts of the European Border and Coast Guard Agency for the financial year 2020 / Postpones the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

accounts of the European Border and Coast Guard Agency for the financial year 2020;

Or. en

Amendment 6
Younous Omarjee

Proposal for a decision 2
Paragraph 1

Proposal for a decision

1. ***Approves the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020*** / Postpones the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

Amendment

1. Postpones the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

Or. en

Amendment 7
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Recital -A (new)

Motion for a resolution

Amendment

-A. whereas all Union bodies, offices and agencies ought to be transparent and fully accountable to the citizens of the Union for the funds entrusted to them;

Or. en

Amendment 8
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Recital -A a (new)

Motion for a resolution

Amendment

-A a. whereas Regulation (EU) 2019/1896 stipulates the requirements with which the European Border and Coast Guard Agency should comply, including in areas such as the respect for fundamental rights;

Or. en

Amendment 9
Younous Omarjee

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Border and Coast Guard Agency (the ‘Agency’) for the financial year 2020 was EUR 364 432 655, representing an increase of 10,40 % compared to 2019; whereas the Agency’s budget derives mainly from the Union budget;

A. whereas, according to its statement of revenue and expenditure¹, the final budget of the European Border and Coast Guard Agency (the ‘Agency’) for the financial year 2020 was EUR 364 432 655, representing an increase of 10,40 % compared to 2019; whereas the Agency’s budget derives mainly from the Union budget; ***whereas the Agency has seen its budget expanded in the last years from EUR 118 million in 2011 to an annual average of EUR 900 million for the 2021-2027 period despite serious concerns over the lack of implementation of its regulation, its management, and fundamental rights violations;***

¹ OJ C 143, 30.4.2020, p. 6.

¹ OJ C 143, 30.4.2020, p. 6.

Or. en

Amendment 10

Younous Omarjee

Motion for a resolution

Recital C

Motion for a resolution

C. whereas since December 2019 the Agency has been implementing a new mandate ***with an essential scale-up that is significant in terms of missions and staff, that requires an adequate budget;***

Amendment

C. whereas since December 2019 the Agency has been implementing a new mandate ; ***whereas the ‘Court’ in its special report 08/2021 stressed that when this new mandate was adopted, no prior assessment had fed into it and that the Agency had not yet implemented the requirements of its 2016 mandate;***

Or. en

Amendment 11

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Recital C

Motion for a resolution

C. whereas since December 2019 the Agency has been implementing a new mandate ***with an essential scale-up that is significant in terms of missions and staff,*** that requires an adequate budget;

Amendment

C. whereas ***despite the lack of a needs and impact assessment*** since December 2019 the Agency has been implementing a new mandate that requires an adequate budget;

Or. en

Amendment 12

Younous Omarjee

Motion for a resolution

Recital C a (new)

Motion for a resolution

Amendment

C a. whereas the European Anti-Fraud Office (OLAF) closed part of its investigations on 15th February 2021 that

looked at the handling of reports of fundamental rights incidents including push-backs; whereas OLAF is still investigating some allegations on other issues; whereas the OLAF report regarding the investigations has not been shared with the members of the Budgetary Control Committee nor Committee on Civil Liberties, Justice and Home Affairs; whereas this hampers the scrutiny work of the Budgetary Control Committee in light of the high relevance of this report to the discharge procedure;

Or. en

Amendment 13

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Subheading -1 (new)

Motion for a resolution

Amendment

Conditionality

Or. en

Amendment 14

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 (new)

Motion for a resolution

Amendment

-1. *Reiterates that several conditions have been set out in the Agency's discharge of the 2019 financial year, and that the discharge of the 2019 financial year has made explicit that a failure to meet these conditions would, among other things, increase the risk of a refusal to grant the discharge for the financial year*

2020; emphasises the need to evaluate the performance of the Agency on each of the 2019 conditions in the 2020 discharge, to nurture consistency between the discharges across the years, and as a means to assess the Agency's performance, including on legal compliance;

Or. en

Amendment 15

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 a (new)

Motion for a resolution

Amendment

-1 a. Recalls the seven conditions set out in the 2019 discharge:

a. Notes with concern that despite the condition in the discharge resolution of the 2019 financial year to recruit the remaining 20 fundamental rights monitors at AD grade, in order to fulfil the obligation stemming from Article 110 of Regulation 2019/1896 to recruit a total of 40 fundamental rights officers at AD grade before December 5, 2020, no extra fundamental rights monitors have been recruited, that the totality of fundamental rights monitors is now still at 5 at AD grade, and 15 at AST grade, and that hence the Agency does not comply to the condition as set out in the 2019 discharge; recalls the conclusion of the Frontex Scrutiny Working Group that the lower rank of the majority of fundamental rights monitors may affect their authority and autonomy, access to classified and sensitive information, and therefore their effectiveness, and that AST-grade monitors may only be deployed to operations coupled with AD-grade monitors, which implies that current

monitors can only be employed at five areas of operation simultaneously;notes with concern the concluding findings of the Frontex Scrutiny Working Group indicating that the Executive Director of the Agency has caused a significant and unnecessary delay in the recruitment of fundamental rights monitors;

b. Recalls the condition in the discharge resolution of the 2019 financial year, stemming from article 107 (3) of Regulation 2019/1896, to recruit three Deputy Executive Directors, each assigned individual area(s) of responsibility;notes with concern the Frontex Scrutiny Working Group's finding that the Executive Director has initially delayed the recruitment of three Deputy Executive Directors, and that the Executive Director has refrained from delegating independent powers to them, but welcomes that since then three deputy directors have been recruited;

c. Recalls the condition in the discharge resolution of the 2019 financial year to put in place a detailed procedure for the implementation of Article 46 of Regulation 2019/1896;stresses that implementation does not merely require a procedure but also actions in line with this procedure;notes in that regard with concern that the Agency has not thoroughly evaluated its activities in Greece, even though reports by institutions of Member States, the Council of Europe and the UN, show that the Agency was carrying out joint border surveillance operations in sections where at the time, fundamental rights violations were taking place;remarks that implementing Article 46 requires the Agency to fulfil the separate condition of the 2019 discharge on the suspension of support to return-related operations from Hungary, which have been deemed incompatible by the Court of Justice of the European Union with the Return Directive and the Charter of Fundamental

Rights of the European Union;

d. Recalls the condition in the discharge resolution of the 2019 financial year to implement an adapted Serious Incident Report (SIR) mechanism in line with the recommendations of the Working Group on Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea (WG FRaLO); regrets in this regard that as of yet a SIR does not automatically trigger an investigation, even though a Serious Incident Report should always trigger an investigation and the Agency has been recommended to proceed swiftly on the matter; regrets that the Agency has not yet made progress on agreeing with Member States on deadlines to provide responses to the SIRs, even though the Agency was recommended to do so;

e. Notes the condition in the discharge resolution of the 2019 financial year to establish a fully functioning fundamental rights monitoring system in line with Article 110 of Regulation (EU) 2019/1896 and reiterates in this regard the delay of recruitment of fundamental rights monitors; notes that despite the Agency's claim that the fundamental rights officer is able to act independently and autonomously, the Frontex Scrutiny Working Group has concluded that the fundamental rights officer has insufficient resources, has not always been consulted prior to an operation, contrary to Article 109(e) of Regulation (EU) 2019/1896 in which this is required, and that attempts have been made by the Executive Director to steer the work of the fundamental rights officer in handling a SIR; notes that the fundamental rights officer indicates he is granted only a minimum amount of time to consult on a joint operation, and in some cases only post facto, even though the Agency states that he is consulted on each and every operation;

f. Recalls the condition in the discharge

resolution of the 2019 financial year to successfully implement recommendation 5 of the Court's Special Report 08/2021 at the end of 2021 the latest; notes that in light of the recommendation of the Frontex Scrutiny Working Group that fundamental rights should be part of the expertise of relevant units, in the ongoing process of implementing the Court's recommendation 5, no explicit attention is given to training the fundamental rights expertise of relevant units; notes that the Agency's implementation does not address the Court's recommendation to ensure that in internal communication, information is shared on a need-to-know-basis; notes that besides not addressing issues as recommended by FSWG and the Court, the Agency has set the due date to successfully implement recommendation 5 on 30/06/2022, which is after the deadline set by the Court and the condition of the 2019 discharge (end of 2021 the latest);

g. Recalls the condition in the discharge resolution of the 2019 financial year to suspend the operations to support return-related operations from Hungary as long as the return operations issued by the Hungarian authorities are, as concluded by the Court of Justice of the European Union, incompatible with the Return Directive and the Charter of Fundamental Rights of the European Union; notes with great concern the finding of the Frontex Scrutiny Working Group that the Agency's decision to suspend its activities did not reveal that the Agency's operational assistance on the Return operations in Hungary continued, that this situation has not changed since the findings of the Working Group and that this means that the Agency is still active in Hungary, assisting with operations that the Court deemed incompatible with Union law in December 2020;

Or. en

Amendment 16
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 b (new)

Motion for a resolution

Amendment

-1 b. *Concludes that the Agency has not, or only for a small part, met the first, third, fourth, fifth, sixth and seventh condition in the discharge resolution of the 2019 financial year; recalls that a failure to meet these conditions would increase the risk of a refusal to grant discharge for the 2020 financial year; calls upon the Agency to explain to the discharge authority how it will fulfil the outstanding points and by when; stresses that until the conditions are sufficiently met, no discharge can be granted;*

Or. en

Amendment 17
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Subheading 1 a (new)

Motion for a resolution

Amendment

OLAF investigation

Or. en

Amendment 18
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 c (new)

-1 c. Recalls the confirmation of the European Anti-Fraud Office (OLAF) of an investigation involving the Agency; notes the confirmation from OLAF that it has closed an investigation concerning Frontex on 15 February 2022; notes that no further details have been given about the nature of this investigation, but stresses that the fact that an OLAF-investigation is started is an indication of serious issues related to the Agency; emphasises that it is in the public interest to know about the findings of the investigation, in order to ensure that taxpayers' money is well spent and to be able to hold the Agency accountable for potential shortcomings; stresses the importance of the findings to become public for the Parliament to scrutinise the Agency, and notes the centrality of a proper-functioning accountability-mechanism to the discharge procedure; concludes that until the moment the OLAF-findings are shared with the Members, the Parliament will not be able to know whether the findings concern 2020 and thus discharge for this financial year should be postponed until the findings are made public; reiterates its call to the Agency to fully cooperate on this matter;

Or. en

Amendment 19

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Subheading 1 b (new)

Motion for a resolution

Amendment

The Court's Special Report 08/2021 entitled: 'Frontex's support to external border management: not sufficiently

effective to date'

Or. en

Amendment 20
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 d (new)

Motion for a resolution

Amendment

-1 d. Notes with concern the findings of the Court of Auditors (the 'Court') in its Special Report 08/2021 entitled 'Frontex's support to external border management: not sufficiently effective to date'; points out that the audit covered the period from the end of 2016, when the Agency's new mandate under Regulation (EU) 2016/16242 came into force, to the end of 2020, and therefore entirely covered the year 2020; reiterates the request to the Court, made in the 2019 discharge, to carry out a specific audit in the future that analyses the respect for fundamental rights by the Agency, since such an assessment was not included within the scope of the Court's special report; recalls that in the 2019 discharge the Court was asked to carry out a specific audit regarding fundamental rights; calls on the Court to inform the discharge authority on the steps taken;

Or. en

Amendment 21
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 e (new)

Motion for a resolution

Amendment

-1 e. Notes with concern that the Court found, in its Special Report 08/2021, several shortcomings related to the Agency's primary activities, namely the situation monitoring, risk analysis, vulnerability assessment, joint operations and rapid border interventions, return operations and the Agency's training and the lack of needs and impact assessments prior to the exponential increase in the Agency's expenses; expresses with concern that the Agency has not yet taken sufficient measures to adapt its organisation to fully implement its mandate under Regulation (EU) 2016/1624, and that the Court highlighted significant risks related to the Agency's mandate under Regulation (EU) 2019/1896;

Or. en

Amendment 22

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 f (new)

Motion for a resolution

Amendment

-1 f. Regrets the lack of needs and impact assessments prior to the proposal for Regulation (EU) 2019/1896 that exponentially increased the Agency's resources; urges the Commission and the Court to regularly assess the Agency's and Member States' performance to identify the actual work the Agency is doing to comply with the legal bases to which it should abide;

Or. en

Amendment 23
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 g (new)

Motion for a resolution

Amendment

-1 g. *Notes with concern the Court's conclusion that the Agency's operational reporting fails to inform decision-makers adequately as it lacks information on actual costs and performance;*

Or. en

Amendment 24
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 h (new)

Motion for a resolution

Amendment

-1 h. *Notes with concern the Court's conclusion that although a functional information exchange framework is in place to provide relevant migration information about the situation at the external borders, and to support the management of irregular immigration, it did not function well enough to provide accurate, complete and up-to-date situational awareness at the Union's external borders; regrets that adequate information exchange framework has not yet been established for cross-border crime, affecting the capacity of the Agency and Member States to respond quickly to any threats detected; is concerned by serious drawbacks undermining complete situational awareness at the Union external borders, such as the lack of information, of technical standards for border control equipment, of a common catalogue for*

cross-border crime reporting, and of near-real-time information about the situation at the Union's air borders, and by delays in updating the common integrated risk analysis model; notes that this is a shared responsibility of the Agency, the Member States and the Commission, and that it is a shared responsibility of these stakeholders to ensure that the matters are resolved; reiterates the discharge authority's call expressed in Resolution (EU) 2021/1615 regarding the need to improve the monitoring and reporting regarding situations and incidents on the Union's borders, in particular with regards to respecting fundamental rights;

Or. en

Amendment 25

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 i (new)

Motion for a resolution

Amendment

-1 i. Notes the Court's conclusion that Regulation (EU) 2019/1896 introduced significant additional reporting requirements for Member States, which requires an automated transmission of data from Member States to the EUROSUR's database; notes the statement of the Member States that the Agency's direct involvement in this automation is not yet apparent;

Or. en

Amendment 26

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 j (new)

Motion for a resolution

Amendment

-1 j. *Notes with concern the Court's finding that the Agency did not provide adequate information about the impact or costs of its activities, did not carry out a robust evaluation of joint operations, did not explain any deviation or identify the impact of any gaps in resources, and did not provide information about the real costs of its joint operations; stresses that the Agency has an obligation to provide adequate information about the impacts and costs of its activities and calls upon the Agency to inform the discharge authority about its progress in addressing this matter;*

Or. en

Amendment 27

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 k (new)

Motion for a resolution

Amendment

-1 k. *Reiterates that the Agency falls short in implementing the condition of the 2019 discharge to successfully implement recommendation 5 from the Court's report; is concerned that the Agency has missed deadlines for the implementation of legal obligations, action plans and (other) recommendations in the past; requests the Court to conduct a factual investigation once the deadlines of recommendations 1 to 4 have passed (at the end of 2022), in order to assess whether, and if so to what extent, and how the Agency has implemented the Court's recommendations adequately and in time; emphasises that the Court's findings on the Agency's progress should be an*

integral part of the discharge of future financial years, as at these moments the actual progress of the Agency on the recommendations can be assessed, and the adequate implementation of the recommendations is a cornerstone of the accountability-mechanism between the Agency and the discharge authority;

Or. en

Amendment 28

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Subheading 1 c (new)

Motion for a resolution

Amendment

Respect of fundamental rights

Or. en

Amendment 29

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 l (new)

Motion for a resolution

Amendment

-1 l. Recalls that the Agency has not, or has not fully, fulfilled all of the conditions of the discharge of the 2019 financial year that relate to the respect of fundamental rights;

Or. en

Amendment 30

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 m (new)

Motion for a resolution

Amendment

-1 m. Recalls the establishment of the Frontex Scrutiny Working Group (FSWG) by Parliament’s Committee on Civil Liberties, Justice and Home Affairs; notes that the FSWG published its report on the fact-finding investigation on the Agency concerning alleged fundamental rights violations on 14 July 2021, the aim of which was to gather “all relevant information and evidence regarding alleged violations of fundamental rights in which the Agency was involved, was aware of and/or did not act, internal management, procedures for reporting, and the handling of complaints”; recalls that the FSWG concluded that the Agency had “evidence in support of allegations of fundamental rights violations in Member States with which it had a joint operation, but failed to address and follow-up on these violations promptly, vigilantly and effectively ”and that “as a result, Frontex did not prevent these violations, nor reduced the risk of future fundamental rights violations”;

Or. en

Amendment 31
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 n (new)

Motion for a resolution

Amendment

-1 n. Recalls that FSWG identified gaps in the framework of cooperation with Member States, which may hinder the fulfilment of the Agency’s fundamental rights obligations, and highlighted the

respective responsibilities of Member States and the Commission to ensure effective cooperation with the Agency, especially as it relates to the respect of fundamental rights, for instance by providing evidence on the substance of cases being investigated; acknowledges the limits experienced by the Agency in practice to only investigate fundamental rights compliance in relation to assets financed or co-financed by the Agency;

Or. en

Amendment 32

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 o (new)

Motion for a resolution

Amendment

-1 o. Recalls Article 80(1) of Regulation (EU) 2019/1896, that stresses that the Agency shall guarantee the protection of fundamental rights, and Article 106 (m) of that Regulation, that obliges the Agency to assess prior to any operational activity whether fundamental rights violations are likely to persist; shares in this light its concern about the FSWG conclusion that recommendations and advice provided by the former fundamental rights officer over a four-year period was ignored by the Executive Director, notably regarding the Agency's operations in Hungary; notes with concern the finding of the FSWG that "implementing rules on the supervisory mechanism to monitor the application of the provisions on the issue of force fail to guarantee that sufficient fundamental rights expertise is involved in decision making";

Or. en

Amendment 33
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 p (new)

Motion for a resolution

Amendment

-1 p. Recalls the conclusions of the European Ombudsman’s strategic inquiry regarding the Agency’s complaints mechanism for alleged breaches of fundamental rights OI/5/2020/MHZ; notes that, although the European Ombudsman did not decide to take the matter further, she did identify shortcomings in the complaints mechanism, which could make it more difficult for individuals to report alleged fundamental rights violations and seek redress;

Or. en

Amendment 34
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 q (new)

Motion for a resolution

Amendment

-1 q. Recalls Article 111 of Regulation (EU) 2019/1896, that obliges the Agency to ensure that the Agency cooperates with the fundamental rights officer to take the necessary steps to further develop an independent and effective complaints mechanism to monitor and ensure respect for the fundamental rights in all the activities of the Agency; notes in this regard with concern the finding of the FSWG that “the Fundamental Rights Officer (FRO) and the Consultative

Forum (CF) were frequently not involved from the start in the development of rules, procedures and strategies on matters concerning fundamental rights”; notes in this regard also with concern the finding of the FSWG that the whistleblower guidelines currently do not offer similar levels of protection for seconded national experts and other non-staff members; remarks that the failure of the successful implementation of the SIR is a failure to comply with Article 111 as well; calls on the Executive Director to revise his relationship with the fundamental rights officer and consultative forum, following up on their recommendations in a timely manner, and report to the discharge authority about the progress made;

Or. en

Amendment 35

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 r (new)

Motion for a resolution

Amendment

-1 r. Notes that the FRO formally registered ten serious incident reports (SIRs) with three final FRO reports issued closing the SIRs and three more considered closed pending the publication of the FRO reports; notes that the concerned SIRs involve alleged violations of fundamental rights in the course of operational activities, including return operations, coordinated by the Agency (i.e. relating to Member States’ and Agency staff);

Or. en

Amendment 36

Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Subheading 1 d (new)

Motion for a resolution

Amendment

Transparency, good governance and integrity

Or. en

Amendment 37
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph -1 s (new)

Motion for a resolution

Amendment

-1 s. Emphasises the need for the Agency to cooperate with all its internal and external stakeholders in good faith, as embedded in Article 11 of Regulation 2019/1896; notes in that regard:

a. the finding of the FSWG that the Executive Director failed “to respond or follow up to the many expressions of concerns, recommendations, opinions or observations submitted by the FRO over the course of four years” and recommendation to apply professional courtesy in this regard;

b. the finding of the FSWG that the Executive Director failed to cooperate to ensure compliance with some of the provisions in Regulation (EU) 2019/1896;

c. the finding of the FSWG that the Executive Director delayed recruitment of three Deputy Directors needed to promote the checks and balances within the Agency’s top management, whereas simultaneously the Executive Director did expand the Executive Management’s cabinet to a total staff size of 63, and the

strong concerns FSWG has about whether the Deputy Directors are delegated independent powers;

d. the finding of the FSWG that the Executive Director continues to maintain that he is not aware of any information that fundamental rights allegedly have been or are being violated, even though there is a large number of reports on alleged fundamental rights violations at borders where the Agency is operational;

e. the finding of the FSWG that the Executive Director recategorized a SIR situation related to a suspected violation of fundamental rights and requested the fundamental rights officer to remove all information gathered, whereas the fundamental rights officer did not request this and should be able to take on such matters independently;

f. the fact that the Executive Director misled the European Parliament, as in a hearing before the Parliament's Committee on Civil Liberties, Justice and Home Affairs on July 6, 2020, he stated that the March 2 incident (referring to a suspected fundamental rights violation) was “the only case”, even though he knew of at least one other incident as he signed a letter about this to the Greek Minister, he misrepresented facts referring to another case involving Danish vessels in the same hearing, and the FSWG’s finding that he knowingly provided false information to the FSWG about information received by the Agency from UNCHR related to fundamental rights concerns about the Agency’s operations in Greece, and notes that the aforementioned matters have been taken place in this discharge’s year; urges the Executive Director to approach all relevant stakeholders with transparency, integrity and honesty, and calls on him to recognise the findings of the reports on alleged fundamental rights violations at borders where the Agency is operational;

Amendment 38

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 t (new)

Motion for a resolution

Amendment

-1 t. Recalls with concern that the Agency falsely claimed in response to the concerns raised in the discharge for the 2016 year about the transparency of meetings with lobbyists, that “Frontex only met with registered lobbyists who are registered in the EU Transparency Register”, while that year it held meetings with 24 private bodies of which over half were not registered in the EU Transparency register, and 105 of the 149 groups that met with the Agency between 2017 and 2019 were not registered in the EU Transparency Register; calls on the Agency to open up for the 2020 year about which private parties it met during its biannual industry days, and at other moments; urges the Agency to demand from private organisations with which it meets that they are registered in the EU Transparency Register, and to update the discharge authority on the progress made in this regard;

Or. en

Amendment 39

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph -1 u (new)

Motion for a resolution

Amendment

-1 u. Notes with concern the fact that on March 4, 2020, the Agency's Executive Director took a private flight from the Agency's office to Brussels, worth EUR 8 500 of taxpayers' money, even though it was notified a day in advance that the Brussels meeting would be scheduled, at the same day there was a commercial flight available at a fraction of this cost, and the airline offering this commercial flight confirmed to the Agency that it still had seats available at this flight, in contrast to the claims made by the Agency; remarks with concern that the Agency has had instances of excessive spending before, such as a EUR 94 000 costing dinner on the Agency's annual one-day event in 2015 in Warsaw, a EUR 580 152,22 costing internal event in a Polish resort in 2018, and EUR 494 542,46 for the same event in 2019; stresses that this is in contrast with a responsible handling of taxpayers' money and urges the Executive Director to change his approach in this regard;

Or. en

Amendment 40

Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Notes *with concern* that the budget-monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 78,42 %, representing a decrease of 21,42 % compared to 2019; notes with concern that the payment appropriations execution rate was very low at 43,84 %, representing a decrease of 25,30 % compared to 2019;

Amendment

1. Notes that the budget-monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 78,42 %, representing a decrease of 21,42 % compared to 2019; **highlights that EUR 360 mln of EUR 364 mln of the budget were committed; takes note that EUR 95 mln have been returned to the Union general budget;** notes with concern that the payment appropriations execution rate was very low at 43,84 %, representing a

decrease of 25,30 % compared to 2019;

Or. en

Amendment 41

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 2

Motion for a resolution

2. *Notes* the Court's *remark that*, for the financial planning of its return operations, the Agency relies on estimates provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency, that forced the Agency to make an ex-post budgetary commitment, contravening the Agency's Financial Regulation; acknowledges the dependence of the Agency on cooperating countries and calls on the Agency to be more strict in setting and enforcing standards related to completeness and timeliness for the receipt of information related to financial planning of operations, including the return operations;

Amendment

2. *Recalls* the Court's *findings that the Agency did not provide adequate information about the impact or costs of its activities, did not carry out a robust evaluation of joint operations, did not explain any deviation or identify the impact of any gaps in resources, and did not provide information about the real costs of its joint operations; acknowledges that* for the financial planning of its return operations, the Agency relies on estimates provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency, that forced the Agency to make an ex-post budgetary commitment, contravening the Agency's Financial Regulation; acknowledges the dependence of the Agency on cooperating countries and calls on the Agency to be more strict in setting and enforcing standards related to completeness and timeliness for the receipt of information related to financial planning of operations, including the return operations;

Or. en

Amendment 42

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Notes the Court's remark that, for the financial planning of its return operations, the Agency relies on estimates provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency, that forced the Agency to make an ex-post budgetary commitment, contravening the Agency's Financial Regulation; acknowledges the dependence of the Agency on cooperating countries and calls on the Agency to be more strict in setting and enforcing standards related to completeness and timeliness for the receipt of information related to financial planning of operations, including the return operations;

Amendment

2. Notes the Court's remark that, for the financial planning of its return operations, the Agency relies on estimates provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency, that forced the Agency to make an ex-post budgetary commitment, contravening the Agency's Financial Regulation; acknowledges the dependence of the Agency on cooperating countries and calls on the Agency to be more strict in setting and enforcing standards related to completeness and timeliness for the receipt of information related to financial planning of operations, including the return operations; ***recalls that rules and principles of the Agency's Financial Regulation must be observed and respected in all situations;***

Or. en

Amendment 43

Younous Omarjee

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Notes the Court's remark that, for the financial planning of its return operations, the Agency relies on estimates

Amendment

2. Notes the Court's remark that, for the financial planning of its return operations, the Agency relies on estimates

provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency, **that forced the Agency to make an ex-post budgetary commitment**, contravening the Agency's Financial Regulation; **acknowledges the dependence of the Agency on cooperating countries and calls on the Agency to be more strict in setting and enforcing standards related to completeness and timeliness for the receipt of information related to financial planning of operations, including the return operations;**

provided by the cooperating countries and that complete and timely availability of this information is crucial; notes the Court's observation that in 2020 in one case a national authority included two previously unannounced return operations, totalling EUR 355 000, in a grant agreement at the financial closure of the action, resulting in a sudden budgetary deficit for the Agency; **stresses that such returns should not have been supported by the Agency, as it was contravening the Agency's Financial Regulation; condemns that the agency decided instead to make an ex-post budgetary amendment in violation of its Financial Regulation;** calls on the Agency to **comply in the future and refuse support to Member States if this would result in a breach of its Regulation;**

Or. en

Amendment 44

Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2 a. Highlights the fact that the Agency started an upgrade of the FAR (Frontex Applications for Return) and IRMA (Integrated Return Management Application) systems to take steps towards an interoperable system of costs connected to activities, to ensure sound financial management of grants; highlights that the Member States will be obliged to insert operational and financial details of the activities carried out; calls on the Commission to strengthen the relationship between the Agency and the Member States and to ensure binding rules for the Member States for financial and operational protection and

monitoring;

Or. en

Amendment 45

Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Notes the Court's observation that the pandemic has affected the Agency's operations and budget implementation in 2020, with the Agency reducing its initial budget by EUR 95 000 000, through two amending budgets; notes that a provisional budgetary commitment of EUR 18 100 000 for the preparation of field deployments in 2021 was carried forward without the Agency having entered into legal commitments within the time limit laid down in Article 75 of the Agency's Financial Regulation; notes that the Agency acknowledges the observation whilst working on remedial measures to prevent future occurrence;

Amendment

4. Notes the Court's observation that the pandemic has affected the Agency's operations and budget implementation in 2020, with the Agency reducing its initial budget by EUR 95 000 000, through two amending budgets; notes that a provisional budgetary commitment of EUR 18 100 000 for the preparation of field deployments in 2021 was carried forward without the Agency having entered into legal commitments within the time limit laid down in Article 75 of the Agency's Financial Regulation; notes that the Agency acknowledges the observation whilst working on remedial measures to prevent future occurrence, ***which entails the verification of carry forward tables for the associated legal commitments; acknowledges that the Agency issued an Administrative Notice with guidance on the annuality principle which explained the carry-over rules in detail;***

Or. en

Amendment 46

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 5

Motion for a resolution

Amendment

5. Recalls the *discharge authority's observations on the application of the unit-cost approach for the deployment of heavy technical equipment and* calls on the Agency to inform the discharge authority on the results of the suggested contacts with the Court and the Commission to solve the issue of lacking supporting evidence;

5. Recalls the *Court's conclusion that the Agency's operational reporting fails to inform decision-makers adequately as it lacks information on actual costs and performance; reiterates its request to the Court to assess the progress of the Agency on recommendations 1 to 4;* calls on the Agency to inform the discharge authority on the results of the suggested contacts with the Court and the Commission to solve the issue of lacking supporting evidence;

Or. en

Amendment 47

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution Paragraph 5

Motion for a resolution

5. Recalls the discharge authority's observations on the application of the unit-cost approach for the deployment of heavy technical equipment and calls on the Agency to inform the discharge authority on the results of the suggested contacts with the Court and the Commission *to* solve the issue of lacking supporting evidence;

Amendment

5. Recalls the discharge authority's observations on the application of the unit-cost approach for the deployment of heavy technical equipment and calls on the Agency to inform the discharge authority on the results of the suggested contacts with the Court and the Commission *and to urgently* solve the issue of lacking supporting evidence;

Or. en

Amendment 48

Younous Omarjee

Motion for a resolution Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Notes recent media reports that the Agency spent €8,500 to send its executive director Fabrice Leggeri on a private jet

to attend a meeting in Brussels, although flight information showed commercial alternatives at a fraction of the cost would have been available;[1]

[1]
<https://euobserver.com/migration/154274>

Or. en

Amendment 49
Younous Omarjee

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Notes that the Agency implemented two rapid border interventions at the external land and maritime borders of Greece with Turkey that required deployment of technical equipment from the rapid reaction equipment and technical equipment pools, as well as human resources;

Amendment

7. Notes that the Agency implemented two rapid border interventions at the external land and maritime borders of Greece with Turkey that required deployment of technical equipment from the rapid reaction equipment and technical equipment pools, as well as human resources; *expresses concerns that in both operational areas, there have been consistent and numerous reports of push-backs; stresses the high risk in this regard of the Agency being complicit of fundamental rights violations, notably through its key role of detection of irregular crossings;*

Or. en

Amendment 50
Younous Omarjee

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7 a. Recalls that the Parliament's Frontex Scrutiny Working Group

(FSWG) concluded that “several reliable actors, such as national- and international human rights bodies and organisations, consistently reported about fundamental rights violations at the border in a number of Member States, but that Frontex generally disregarded these reports”; stresses that the FSWG concluded "that the Agency found evidence in support of allegations of fundamental rights violations in Member States with which it had a joint operation, but failed to address and follow-up on these violations promptly, vigilantly and effectively"; notes that the "Agency also failed to adequately respond to internal observations about certain cases of probable fundamental rights violations in Member States" and that hat the FSWG “found deficiencies in Frontex’s mechanisms to monitor, report and assess fundamental rights situations and developments, and makes concrete recommendations for improvement”;

Or. en

Amendment 51
Younous Omarjee

Motion for a resolution
Paragraph 7 b (new)

Motion for a resolution

Amendment

7 b. *Stresses that the FSWG expressed concern "about the lack of cooperation of the Executive Director to ensure compliance with some of the provisions of the EBCG Regulation, notably on fundamental rights";*

Or. en

Amendment 52
Younous Omarjee

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that the Agency's surveillance aircraft services performed a total of 1 068 missions in 2020 out of which 1030 were surveillance flights and 38 related to fishery control;

Amendment

8. Notes that the Agency's surveillance aircraft services performed a total of 1 068 missions in 2020 out of which 1030 were surveillance flights and 38 related to fishery control; ***highlights that the information gathered during these surveillance flights has enabled different stakeholders to conduct push-backs in violation of Union and international law; stresses in this regard the incident of 18-19 April 2020; notes that during that night, as described in the final report of the Frontex Management Board Working group, "A Frontex Surveillance Aircraft observed a rubber boat in Greek Territorial waters. The rubber boat was empty and being towed by a Hellenic Coast Guard vessel towards Turkish Territorial waters. Approximately 20-30 people were on board the Hellenic Coast Guard vessel that was towing the rubber boat. After some time, these people were retransferred onto the rubber boat at the Greek-Turkish border. Afterwards, the Hellenic Coast Guard left the location;"***

Or. en

Amendment 53
Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that the Agency's surveillance aircraft services performed a total of 1 068 missions in 2020 out of which 1030 were surveillance flights and 38 related to fishery control;

Amendment

8. Notes that the Agency's surveillance aircraft services performed a total of 1 068 missions in 2020 out of which 1030 were surveillance flights and 38 related to fishery control; ***welcomes the fact that the number of surveillance***

aircraft services increased over the past years with a number of 177 missions in 2017 and a number of 1068 missions in 2020;

Or. en

Amendment 54
Younous Omarjee

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Notes that the Agency's assets in maritime operations have helped to rescue more than 3 408 migrants during patrolling activities, which also resulted in the detection of 790 facilitators, four traffickers of human beings and a wide variety of other types of cross-border crimes, such as smuggling of illegal goods and substances (1 463 litres of alcohol, 4 013 pieces of ammunition, approximately 361 kilogrammes of cocaine, more than 144 tonnes of hashish and marijuana, and 40 kilogrammes of heroin);

Amendment

9. Notes that the Agency's assets in maritime operations have helped to rescue more than 3 408 migrants during patrolling activities, which also resulted in the detection of 790 facilitators, four traffickers of human beings and a wide variety of other types of cross-border crimes, such as smuggling of illegal goods and substances (1 463 litres of alcohol, 4 013 pieces of ammunition, approximately 361 kilogrammes of cocaine, more than 144 tonnes of hashish and marijuana, and 40 kilogrammes of heroin); ***notes however the unfair prosecution of asylum seekers on the grounds of "facilitating illegal entry", that has led many of them to be arrested without legal assistance, excessive pre-trial detention, lack of translations and representation by unprepared lawyers; stresses for example the case of an asylum seeker, sentenced in Greece for 142 years for facilitating illegal entry, despite being forced to drive at gunpoint by the Turkish trafficker;***

Or. en

Amendment 55
Younous Omarjee

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. *Highlights that the Agency's aerial surveillance in the Central Mediterranean and its direct transmission of information to the so-called Libyan coast guards in order for the persons to be intercepted at sea, as reported by media, is making the Agency complicit of what has been described by the UN as "crimes against humanity" in Libya that are conducted against migrants in detention centers after they have been pulled back to Libya;*

Or. en

Amendment 56 Younous Omarjee

Motion for a resolution Paragraph 10

Motion for a resolution

Amendment

10. Notes that the Agency's return operations, despite being impacted by the restrictions of the COVID-19 pandemic, continued with 21 Member States taking part as either organisers or participants in return operations by charter flights coordinated and co-financed by the Agency, with overall 7952 persons handed over, reaching 28 third countries of return, significant lower numbers than in 2019; notes that voluntary returns made up for 18 % of all supported flights; notes that 26 Member States carried out returns by scheduled flights with the Agency's support, returning 3981 third country nationals to 83 countries of return, with among the returnees 2173 (55 %) unescorted and 1532 (38%) returning in a voluntary manner;

10. Notes that the Agency's return operations, despite being impacted by the restrictions of the COVID-19 pandemic, continued with 21 Member States taking part as either organisers or participants in return operations by charter flights coordinated and co-financed by the Agency, with overall 7952 persons handed over, reaching 28 third countries of return, significant lower numbers than in 2019; notes that voluntary returns made up for 18 % of all supported flights; notes that 26 Member States carried out returns by scheduled flights with the Agency's support, returning 3981 third country nationals to 83 countries of return, with among the returnees 2173 (55 %) unescorted and 1532 (38%) returning in a voluntary manner; ***recalls the call of the FSWG to suspend the Agency's support for return-related operations from Hungary as long as, and as concluded by***

the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union and notes the continued support of the Agency despite this call and concerns expressed by the Commission;

Or. en

Amendment 57
Younous Omarjee

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Notes the legal actions against the Agency initiated at the Court of Justice of the European Union; notes further that one action brought in May 2021 was brought on behalf of two asylum-seekers - an unaccompanied minor and a woman - who were violently rounded up, assaulted, robbed, abducted, detained, forcibly transferred back to sea, collectively expelled, and ultimately abandoned on rafts with no means of navigation, food or water; is shocked that the applicants were also victims of other pushback operations during their attempts to seek protection in the Union; notes that another action was brought in October 2021 on behalf of a Syrian family that was returned from Greece to Turkey on a flight operated by the Agency and the Greek authorities;

Or. en

Amendment 58
Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. *Notes that in 2020 COVID-19 related measures included the closure of borders and suspension of air traffic, which affected all operational activities coordinated by the Agency; notes that the number of return operations drastically dropped in 2020; calls on the Commission to introduce, in close cooperation with the Agency, an emergency plan that sets out certain safety measures, ensuring the safe continuation of return operations;*

Or. en

Amendment 59
Younous Omarjee

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. *Expresses serious concerns regarding the fact that an interpreter employed by the Agency was assaulted by Greek border guards in Greece alongside at least one hundred third-country nationals and was then forced, together with other persons, across the border into Turkey; highlights that this episode is another credible evidence of the systematic violations of fundamental rights that occur in Greece and should lead the Agency to suspend its operations in accordance with Article 46 of Regulation (EU) 2019/1896; expresses serious concerns at the numerous serious incident reports reporting violations of fundamental rights in Greece and Lithuania and the absence of appropriate actions taken by the executive director to address those violations, including by following all the recommendations of the Fundamental Rights Officer and suspending operations in line with Article*

Amendment 60
Caterina Chinnici

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. *Is concerned by the weaknesses identified in the special report of the Court 08/2021 related to gaps and inconsistencies in the information exchange framework, which hinders the capacity of the Agency and the Member States to monitor external borders and to respond when necessary; notes further that risk analysis and vulnerability assessment activities are not always supported by complete and good-quality data, and that the joint operations in the framework of cross-border crime are not yet sufficiently developed in the Agency's day-to-day activities; is worried that the Court has identified an absence of reporting on the Agency's efficiency and costs;*

Or. en

Amendment 61
Markus Pieper, Petri Sarvamaa, Monika Hohlmeier

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. *Notes that the Executive Director of the Agency reports regularly on the progress of the implementation in each Management Board Meeting covering the recommendations addressed by the WG*

on Fundamental Rights and Legal Operations Aspects of Operations, Frontex Scrutiny Working Group of the European Parliament, the European Ombudsman and the Court;

Or. en

Amendment 62

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Recalls that all of the Agency's operations and activities must be conducted in full compliance with Regulation (EU) 2019/1896, as well as the EU Staff and Financial Regulations;

Or. en

Amendment 63

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Subheading 2 a (new)

Motion for a resolution

Amendment

Fundamental rights and follow up to the 2019 discharge cycle

Or. en

Amendment 64

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 11 b (new)

11 b. *Notes with regret that in October 2020, journalistic investigations presented several allegations against the Agency, regarding its possible complicity in illegal migrant pushbacks in the Mediterranean Sea; notes that these allegations were supported by video footage of Frontex assets allegedly participating in such actions;*

Or. en

Amendment 65

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 11 c (new)

11 c. *Recalls that these revelations have prompted the creation of a Parliament Frontex Scrutiny Working Group (FSWG) in order to investigate the exposed allegations; highlights that the FSWG "did not find conclusive evidence on the direct performance of pushbacks and/or collective expulsions by Frontex in the serious incident cases that could be examined by the FSWG", but concluded "that the Agency found evidence in support of allegations of fundamental rights violations in Member States with which it had a joint operation, but failed to address and follow-up on these violations promptly, vigilantly and effectively"; further notes that the FSWG "found deficiencies in Frontex's mechanisms to monitor, report and assess fundamental rights situations and developments, and makes concrete recommendations for improvement", but "also identified gaps in the framework of cooperation with Member States, which may hamper the fulfilment of Frontex's fundamental rights obligations"; notes*

that the FSWG expressed concern "about the lack of cooperation of the Executive Director to ensure compliance with some of the provisions of the European Border and Coast Guard Regulation, notably on fundamental rights"; notes that the "FSWG takes the position that the Management Board should have played a much more proactive role in acknowledging the serious risk of fundamental rights violations and in taking action to ensure that Frontex fulfils its negative and positive fundamental rights obligations as enshrined in the Regulation";

Or. en

Amendment 66

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

**Motion for a resolution
Paragraph 11 d (new)**

Motion for a resolution

Amendment

11 d. Reminds that following these findings, Parliament, through its Resolution P9_TA(2021)0442 on the 2019 Discharge for the European Border and Coast Guard Agency, decided to place a part of the Agency's 2022 budget in a reserve, to be released upon completion of six conditions; regrets that following negotiations for the 2022 budget this reserve was not implemented; reiterates however its previous position that failure to fulfill these conditions increased the risk for refusal of discharge for the 2020 financial year;

Or. en

Amendment 67

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution
Paragraph 11 e (new)

Motion for a resolution

Amendment

11 e. Notes that, with respect to the six conditions established by the European Parliament in its previous resolution, the Agency has made so far the following progress:

a) the 20 Fundamental Rights Monitors (FRM) posts available at AD level remain vacant and are to be filled in 2022; notes that this process is under the control of the Fundamental Rights Officer (FRO), conducted independently from the office of the Executive Director; welcomes the cooperation between Frontex and the EU Fundamental Rights Agency in this recruitment;

b) all three deputy executive directors have been recruited and have joined the Agency;

c) the Executive Director signed the Standard Operating Procedure on the mechanism to withdraw the financing of, or suspend or terminate, or not launch Frontex activities, in accordance with Article 46 of Regulation (EU) 2019/1896; notes however that the Agency continues to operate in Hungary; acknowledges that additional safeguards have been put in place and all requests from Hungary for support are assessed on a case-by-case basis;

d) the Executive Director signed, in April 2021, the Standard Operating Procedure on the Serious Incident Report mechanism; notes that a report on the practical implementation of this procedure has been presented by the Executive Director and the FRO, concluding that there is a need to further revise the procedure;

e) the Agency has adopted special rules to guarantee the independence of the FRO, it has recruited and adopted a new FRO as well as a deputy FRO; notes that the

Agency has drawn up a Fundamental Rights Strategy and Action Plan, it has adopted a specialised fundamental rights training curriculum for FRMs and has also revised its complaints mechanism; underlines however that the recruitment of the 40 FRMs, due for December 2020, is still ongoing;

f) the Agency has completed the implementation of a competency management project and has adopted a value-adding knowledge management and need-to-know policy, while the implementation of the Situational Awareness and Monitoring Division's Transformation Programme and a Human Resources capacity assessment are still in progress;

Or. en

Amendment 68

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

**Motion for a resolution
Subheading 2 b (new)**

Motion for a resolution

Amendment

OLAF investigation

Or. en

Amendment 69

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

**Motion for a resolution
Paragraph 11 f (new)**

Motion for a resolution

Amendment

11 f. Recalls the fact that the European Anti-Fraud Office has initiated an investigation on the Agency over allegations of harassment, misconduct and migrant pushbacks; highlights that

the investigation was finalised on 15 February 2022 and its outcome was partially presented to the Members of the Parliament's Budgetary Control Committee and Committee on Civil Liberties, Justice and Home Affairs on 28 February 2022, but has not yet been provided to the Members; further highlights that Members were only informed of the outcome through an oral presentation, without providing any supporting written materials; underlines that the findings exposed in this partial presentation raise serious concerns and do not provide sufficient information to support a decision on granting discharge to the Agency for the financial year 2020;

Or. en

Amendment 70

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Regrets that, on 31 December 2020, the establishment plan was 63,01 % implemented, with 662 temporary agents appointed out of 1 050 temporary agents authorised under the Union budget (compared to 484 authorised posts in 2019); notes that, in addition, 387 contract agents and 185 seconded national experts worked for the Agency (with 730 contract agents and 220 seconded national experts authorised for the Agency in 2020);

Amendment

12. Regrets that, on 31 December 2020, the establishment plan was 63,01 % implemented, with 662 temporary agents appointed out of 1 050 temporary agents authorised under the Union budget (compared to 484 authorised posts in 2019); notes that, in addition, 387 contract agents and 185 seconded national experts worked for the Agency (with 730 contract agents and 220 seconded national experts authorised for the Agency in 2020); ***reiterates that seconded national experts and contract agents should get the same level of protection under the whistleblower guidelines and that the FSWG concluded this is currently not the case;***

Or. en

Amendment 71

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Recalls the discharge authority's concern about the recruitment of the Agency's fundamental rights monitors in the appropriate grades; calls on the Agency to swiftly complete the ongoing recruitment procedures and work on embedding the work of the FRO into the operational procedures of the Agency;

Amendment

deleted

Or. en

Amendment 72

Caterina Chinnici

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Recalls the discharge authority's concern about the recruitment of the Agency's fundamental rights monitors in the appropriate grades; calls on the Agency to swiftly complete the ongoing recruitment procedures and work on embedding the work of the FRO into the operational procedures of the Agency;

Amendment

13. Is disappointed that the Agency is still unable to fulfil the requirement of Regulation (EU) 2019/1896, which provided for the recruitment of at least 40 Fundamental Rights Monitors by December 2020; recalls the discharge authority's concern about the recruitment of the Agency's fundamental rights monitors in the appropriate grades; regrets the fact that the Agency has also still not established a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896; reiterates its call on the Agency to swiftly complete the ongoing recruitment procedures and to work on embedding the work of the FRO into the operational procedures of the Agency; asks the Agency to report to the

discharge authority on this matter;

Or. en

Amendment 73
Younous Omarjee

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls the discharge authority's concern about the recruitment of the Agency's fundamental rights monitors in the appropriate grades; calls on the Agency to swiftly *complete the ongoing recruitment procedures and work on embedding the work of the FRO into the operational procedures* of the Agency;

Amendment

13. Recalls the discharge authority's concern about the **absence of** recruitment of the Agency's fundamental rights monitors **by the deadline of 5 December 2020 set by Regulation (EU) 2019/1896 and the lack of progress on the appointment of the first 20 fundamental rights monitors afterwards** in the appropriate grades; calls on the Agency to swiftly **recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; underlines the personal responsibility of the Executive Director in delaying this process in violation of the Agency's Regulation;**

Or. en

Amendment 74
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 14

Motion for a resolution

14. *Recalls that the correction coefficient for staff in Warsaw, Poland was 70,09 for 2020; acknowledges that lower salaries can have a negative impact on European applicants, and may contribute to Frontex's general difficulties in recruiting;*

Amendment

deleted

Amendment 75
Caterina Chinnici

Motion for a resolution
Paragraph 15

Motion for a resolution

15. *Notes* the gender **balance** reported for 2020 at senior management level with 15 men (75 %) and 5 women (25 %), at the level of the management board with 50 men (83,3 %) and 10 women (16,7 %), and for the Agency's staff overall, with 870 men (70,5 %) and 364 women (**29,5 %**);

Amendment

15. ***Is concerned of*** the gender **unbalance** reported for 2020 at senior management level with 15 men (75 %) and 5 women (25 %), at the level of the management board with 50 men (83,3 %) and 10 women (16,7 %), and for the Agency's staff overall, with 870 men (70,5 %) and 364 women (**29,5%**); ***asks the Agency to ensure gender balance at the management and staff levels in the future; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;***

Amendment 76
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 15

Motion for a resolution

15. *Notes* the gender balance reported for 2020 at senior management level with 15 men (75 %) and 5 women (25 %), at the level of the management board with 50 men (83,3 %) and 10 women (16,7 %), and for the Agency's staff overall, with 870 men (70,5 %) and 364 women (29,5 %);

Amendment

15. *Notes* ***with concern*** the gender balance reported for 2020 at senior management level with 15 men (75 %) and 5 women (25 %), at the level of the management board with 50 men (83,3 %) and 10 women (16,7 %), and for the Agency's staff overall, with 870 men (70,5 %) and 364 women (29,5 %); ***calls upon the Agency to improve the gender balance***

in its top management and staff, and report to the discharge authority about the progress made;

Or. en

Amendment 77

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 16

Motion for a resolution

Amendment

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 involving the Agency; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed on any developments that are relevant for the discharge procedure;

deleted

Or. en

Amendment 78

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 16

Motion for a resolution

Amendment

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 involving the Agency; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed on any developments that are relevant for the discharge procedure;

deleted

Or. en

Amendment 79

Younous Omarjee

**Motion for a resolution
Paragraph 16**

Motion for a resolution

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 involving the Agency; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed on any developments that are relevant for the discharge procedure;

Amendment

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 ***over allegations of harassment, misconduct and migrant pushbacks*** involving the Agency; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed on any developments that are relevant for the discharge procedure; ***notes that OLAF closed part of its investigations into the handling of fundamental rights incidents including push-backs on February 15, 2022 and that two other investigations are still ongoing; calls on OLAF and FRONTEX Management Board to make the full report available to Members of the European Parliament from the Budgetary Control Committee and Committee on Civil Liberties, Justice and Home Affairs in light of the high relevance for their scrutiny role; stresses that the discharge of the Agency can not be granted without access to these crucial findings;***

Or. en

**Amendment 80
Sabrina Pignedoli**

**Motion for a resolution
Paragraph 16**

Motion for a resolution

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 involving the Agency; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed on any developments that are

Amendment

16. Recalls that the European Anti-Fraud Office opened an investigation in 2019 involving the Agency ***and pinpointed irregularities***; reiterates its call on the Agency to fully cooperate with OLAF and to keep the discharge authority informed

relevant for the discharge procedure;

on any developments that are relevant for the discharge procedure;

Or. it

Amendment 81

Tomáš Zdechovský, Monika Hohlmeier, Jeroen Lenaers, Petri Sarvamaa

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Takes note that on 15 February 2022 OLAF concluded its investigation on allegations in relation to the exercise of professional duties and non-compliance with the rules in place; calls on OLAF and the Commission to make sure that the full investigation report will be shared with the discharge authority as soon as possible, while respecting its Regulation and all legal requirements on the protection of sensitive data and of the persons concerned; reminds that it is necessary to have clarity on all elements of the investigation, in order for the discharge authority to take an informed and correct decision in relation to the 2020 budgetary procedure;

Or. en

Amendment 82

Monika Hohlmeier, Petri Sarvamaa, Markus Pieper, Jeroen Lenaers

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Notes media reports that the OLAF report has been finalised and sent to the Frontex Management Board; recalls information from media reports that the recommendations in the OLAF

report are of disciplinary nature; calls on the Management Board to make its decision within an adequate timeframe and inform the discharge authority about its decision including the reasoning;

Or. en

Amendment 83
Caterina Chinnici

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Is concerned that OLAF concluded an investigation on 15 February 2022 with a disciplinary recommendation; calls on the Frontex Management Board to undertake all the necessary appropriate follow-up actions regarding OLAF's recommendation;

Or. en

Amendment 84
Tomáš Zdechovský, Monika Hohlmeier, Jeroen Lenaers, Petri Sarvamaa

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16 b. Reminds the importance of the Agency and of its role as a border and coast guard of the Union; calls therefore on the Agency to step up its efforts to follow up and appropriately address all OLAF recommendations with a view to ensure full functionality, as well as effectiveness and credibility of its actions, especially in the context of the current situation in Ukraine, when the border control of the Union and proper management of the increasing migration

flows become of paramount importance;

Or. en

Amendment 85

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Notes from the Agency's replies to the Parliament's written questions that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological *or* sexual harassment; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members that signed up for such sessions;

Amendment

17. Notes *with concern* from the Agency's replies to the Parliament's written questions that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological, sexual *or any other kind of* harassment, *and to proceed swiftly with holding those responsible for this misconduct accountable*; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members that signed up for such sessions;

Or. en

Amendment 86

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Notes from the Agency's replies to

Amendment

17. Notes from the Agency's replies to

the Parliament's written questions that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological or sexual harassment; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members that signed up for such sessions;

the Parliament's written questions that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological or sexual harassment; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members that signed up for such sessions; ***calls on the Agency to inform the discharge authority about the outcome of these cases;***

Or. en

Amendment 87
Sabrina Pignedoli

Motion for a resolution
Paragraph 17

Motion for a resolution

17. ***Notes from*** the Agency's replies to the Parliament's written questions that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological or sexual harassment; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members that signed up for such sessions;

Amendment

17. ***Expresses alarm at*** the Agency's replies to the Parliament's written questions ***to the effect*** that in total 17 cases of harassment were reported to the Agency's competent entities in 2020; calls on the Agency to carefully assess each case, taking a zero-tolerance approach to psychological or sexual harassment; welcomes the training received by the confidential counsellors and the actions undertaken to raise awareness among staff and inform staff on the confidential counsellors; welcomes the online awareness-raising sessions for executive, senior, and middle managers and team leaders, and that dedicated awareness sessions were organised to staff members

that signed up for such sessions;

Or. it

Amendment 88

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Subheading 5

Motion for a resolution

Amendment

Prevention and management of conflicts of interest, and transparency;

deleted

Or. en

Amendment 89

Tomáš Zdechovský

Motion for a resolution

Paragraph 21

Motion for a resolution

Amendment

21. Regrets that not all management board member CVs and declarations of interest are published on the Agency's website, ***most notably the declarations of interest of the chair person and deputy chairperson of the management board***; calls on the Agency, with the aim of increasing transparency, to publish the missing CVs and declarations of interest on its website and to report to the discharge authority on the measures taken in that regard;

21. Regrets that not all management board member CVs and declarations of interest are published on the Agency's website; calls on the Agency, with the aim of increasing transparency, to publish the missing CVs and declarations of interest on its website and to report to the discharge authority on the measures taken in that regard;

Or. en

Amendment 90

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Recalls the discharge authority's remarks in the 2019 discharge regarding transparency and interest representation for the Agency; notes that the Agency implemented a new process to increase transparency and equal opportunities by streamlining industry dialogues; notes that all industry meetings (i-days) were organised online with presentation of more than 60 solutions by 50 companies, with the participation of 430 representatives of the Agency, Member States and Union partners, as well as international organisations; notes that the Agency, in addition to the i-days, organised an online demonstration of technological solutions relevant for the implementation of entry-exit-system back-to-back with the International Conference on Biometrics for Borders, showcasing over 100 solutions, with 23 industry presentations to over 470 conference attendees; calls on the Agency to comply with the highest standards as regards transparency and to keep its online transparency register up-to-date;

deleted

Or. en

Amendment 91
Younous Omarjee

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Recalls the discharge authority's *remarks* in the 2019 discharge regarding transparency and interest representation for the Agency; notes that the Agency implemented a new process to increase

22. Recalls the discharge authority's *concerns* in the 2019 discharge regarding transparency and interest representation for the Agency; notes that the Agency implemented a new process to increase

transparency **and equal opportunities by streamlining industry dialogues**; notes that all industry meetings (i-days) were organised online with presentation of more than 60 solutions by 50 companies, with the participation of 430 representatives of the Agency, Member States and Union partners, as well as international organisations; notes that the Agency, in addition to the i-days, organised an online demonstration of technological solutions **relevant for the implementation of entry-exit-system** back-to-back with the International Conference on Biometrics for Borders, showcasing over 100 solutions, with 23 industry presentations to over 470 conference attendees; calls on the Agency to comply with the highest standards as regards transparency and to keep its online transparency register up-to-date;

transparency; notes that all industry meetings (i-days) were organised online with presentation of more than 60 solutions by 50 companies, with the participation of 430 representatives of the Agency, Member States and Union partners, as well as international organisations; notes that the Agency, in addition to the i-days, organised an online demonstration of technological solutions back-to-back with the International Conference on Biometrics for Borders, showcasing over 100 solutions, with 23 industry presentations to over 470 conference attendees; **notes that very few meetings appear however to be registered in the newly established transparency register**; calls on the Agency to comply with the highest standards as regards transparency and to keep its online transparency register up-to-date;

Or. en

Amendment 92 **Younous Omarjee**

Motion for a resolution **Paragraph 22 a (new)**

Motion for a resolution

Amendment

22 a. Stresses that the European ombudsman urged the Agency to "ensure a more proactive approach to transparency"; recalls the call of the FSWG on the Agency "to further increase its transparency by acting in accordance with the practice of the AsktheEU portal and not resort to any copyright clause" and "that SIRs, reports on the use of force and individual complaints should only be classified as restricted documents when necessary and on a case-by-case basis;"

Or. en

Amendment 93

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 22 a (new)

Motion for a resolution

Amendment

22 a. *Notes the establishment and operationalisation of the Agency's transparency register; calls on the Agency to comply with the highest standards of transparency and to have the transparency register regularly updated;*

Or. en

Amendment 94

Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel

Motion for a resolution

Paragraph 25

Motion for a resolution

Amendment

25. Notes the Court's finding that on 1 September 2020 the Agency asked the Commission for permission to upgrade 100 AST posts into advanced-level posts (grade AD 7 or higher), for the standing corps and new tasks under the new mandate; notes that the Agency, in anticipation of the Commission's reply, on 9 September 2020, sent out 47 offers to advanced-level candidates with the Commission informing the Agency that it had no legal authority to upgrade the posts, resulting in the Agency immediately withdrawing the 47 job offers; ***acknowledges the actions undertaken by the Agency to achieve the required clarity on its establishment plan from the Commission and the pressing nature of the required recruitments***; calls on the Agency and the Commission to improve their communication, closer aligning the Agency's actions with the Commission's decision-making processes to avoid such situations from re-occurring;

25. Notes the Court's finding that on 1 September 2020 the Agency asked the Commission for permission to upgrade 100 AST posts into advanced-level posts (grade AD 7 or higher), for the standing corps and new tasks under the new mandate; notes that the Agency, in anticipation of the Commission's reply, on 9 September 2020, sent out 47 offers to advanced-level candidates with the Commission informing the Agency that it had no legal authority to upgrade the posts, resulting in the Agency immediately withdrawing the 47 job offers; ***recalls that this has exposed the Agency at an unnecessary risk of reputational damage and litigation***; calls on the Agency and the Commission to improve their communication, closer aligning the Agency's actions with the Commission's decision-making processes to avoid such situations from re-occurring;

Amendment 95**Bas Eickhout**

on behalf of the Verts/ALE Group

Motion for a resolution**Paragraph 25***Motion for a resolution*

25. Notes the Court's finding that on 1 September 2020 the Agency asked the Commission for permission to **upgrade 100** AST posts into advanced-level posts (grade AD 7 or higher), for the standing corps and new tasks under the new mandate; notes that the Agency, in anticipation of the Commission's reply, on 9 September 2020, sent out 47 offers to advanced-level candidates with the Commission informing the Agency that it had no legal authority to upgrade the posts, resulting in the Agency immediately withdrawing the 47 job offers; **acknowledges the actions undertaken by the Agency to achieve the required clarity on its establishment plan** from the Commission **and the pressing nature of the required recruitments**; calls on the Agency **and the Commission to improve their communication, closer aligning the Agency's actions with the Commission's decision-making processes** to avoid such situations from re-occurring;

Amendment

25. Notes the Court's finding that on 1 September 2020 the Agency asked the Commission for permission to **upgrade 100** AST posts into advanced-level posts (grade AD 7 or higher), for the standing corps and new tasks under the new mandate; notes **with concern** that the Agency, in anticipation of the Commission's reply, on 9 September 2020, sent out 47 offers to advanced-level candidates with the Commission informing the Agency that it had no legal authority to upgrade the posts, resulting in the Agency immediately withdrawing the 47 job offers; **emphasises that the Agency should have gotten legal assurance from the Commission before it proceeded, as this would have prevented unnecessary disturbance that came with the withdrawal**; calls on the Agency **to prevent taking such actions without legal clarity in the future**, to avoid such situations from re-occurring;

Or. en

Amendment 96**Ramona Strugariu, Sophia in 't Veld, Alin Mituța, Katalin Cseh, Olivier Chastel****Motion for a resolution****Paragraph 30***Motion for a resolution**Amendment*

30. Recalls the discharge authority's conditions in the second discharge report of the Agency for 2019 for release of a budgetary reserve; notes that the reserve has not been created in the Agency's 2022 budget; calls nevertheless on the Agency to inform the discharge authority on the progress made towards the six conditions formulated by the discharge authority;

deleted

Or. en

Amendment 97

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Recalls the discharge authority's conditions in the second discharge report of the Agency for 2019 for release of a budgetary reserve; notes that the reserve has not been created in the Agency's 2022 budget; ***calls nevertheless on*** the Agency to inform the discharge authority on the progress made towards the ***six*** conditions formulated by the discharge authority;

Amendment

30. Recalls the discharge authority's conditions in the second discharge report of the Agency for 2019 for release of a budgetary reserve; notes that the reserve has not been created in the Agency's 2022 budget; ***recalls the request to*** the Agency to inform the discharge authority on the progress made towards the ***seven*** conditions formulated by the discharge authority;

Or. en

Amendment 98

Monika Hohlmeier, Petri Sarvamaa, Markus Pieper, Jeroen Lenaers

Motion for a resolution

Paragraph 30 a (new)

Motion for a resolution

Amendment

30 a. Notes that the Commission has informed the discharge authority about significant improvements in the organisation and administration of the

Agency and that the cooperation and coordination between the Agency and the Commission as well as across the different areas, including the fundamental rights officer, functions much better compared to 2 years ago;

Or. en

Amendment 99
Younous Omarjee

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Notes that the European Ombudsman handled 13 cases that relate to the Agency, six on public access to documents, six on human resources management and one related to fundamental rights; notes that the Ombudsman did not provide recommendations in six cases, that the implementation of four recommendations is ongoing and that in three cases the recommendation has already been implemented;

Amendment

31. *Recalls that on 15 June 2021, the European Ombudsman concluded that there had been delay on the part of the Agency in implementing the important changes introduced by Regulation (EU) 2019/1896;* Notes that the European Ombudsman handled 13 cases that relate to the Agency, six on public access to documents, six on human resources management and one related to fundamental rights; notes that the Ombudsman did not provide recommendations in six cases, that the implementation of four recommendations is ongoing and that in three cases the recommendation has already been implemented;

Or. en

Amendment 100
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. **Notes** that the European Ombudsman handled 13 cases that relate to the Agency, six on public access to documents, six on human resources management and one related to fundamental rights; notes that the Ombudsman did not provide recommendations in six cases, that the implementation of four recommendations is ongoing and that in three cases the recommendation has already been implemented;

31. **Recalls** that the European Ombudsman handled 13 cases that relate to the Agency, six on public access to documents, six on human resources management and one related to fundamental rights; notes that the Ombudsman did not provide recommendations in six cases, that the implementation of four recommendations is ongoing and that in three cases the recommendation has already been implemented;

Or. en

Amendment 101

Ryszard Czarnecki, Ryszard Antoni Legutko, Elżbieta Rafalska, Joachim Stanisław Brudziński

on behalf of the ECR Group

Motion for a resolution

Paragraph 31 a (new)

Motion for a resolution

Amendment

31a. Recalls that the crisis at the EU-Belarus border caused by the Lukashenka regime's hybrid warfare is being kept under control thanks to FRONTEX;

Or. pl