



2021/2146(DEC)

7.9.2022

AMENDMENTS

1 - 76

Draft report
Tomáš Zdechovský
(PE734.316v01-00)

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

Amendment 1

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants/Refuses*** to grant 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;

Amendment

1. ***Refuses*** to grant 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;

Or. en

Amendment 2

Younous Omarjee

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants/Refuses*** to grant 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;

Amendment

1. ***Refuses*** to grant 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;

Or. en

Amendment 3

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Proposal for a decision 2

Paragraph 1

Proposal for a decision

1. ***Approves the closure of the accounts of the European Border and***

Amendment

1. Points out that a proposal to close the accounts of the European Border and

Coast Guard Agency for the financial year 2020 / Points out that a proposal to close the accounts of the European Border and Coast Guard Agency for the financial year 2020 must be submitted at a subsequent part-session;

Coast Guard Agency for the financial year 2020 must be submitted at a subsequent part-session;

Or. en

Amendment 4
Younous Omarjee

Motion for a resolution
Citation 1 a (new)

Motion for a resolution

Amendment

— *having regard to the OLAF report finalised on 15 February 2022, and made available in July 2022 to Members of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Budgetary Control,*

Or. en

Amendment 5
Younous Omarjee

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. whereas the European Ombudsman **published its Decision in OI/4/2021/MHZ on how** the European Border and Coast Guard **Agency** (the ‘Agency’) **complies** with its fundamental rights obligations and **ensures** accountability in relation to its enhanced responsibilities;

A. whereas the European Ombudsman **has held a series of inquiries regarding** the European Border and Coast Guard **Agency’s** (the ‘Agency’) **compliance** with its fundamental rights obligations and accountability in relation to its enhanced responsibilities **in the cases OI/5/2020/MHZ and OI/4/2021/MHZ and made a series of recommendations to the Agency;**

Or. en

Amendment 6
Younous Omarjee

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

A a. whereas the OLAF final report, as reported by the media, showed that the Parliament and the Agency's management board has had information concealed from them in the framework of their scrutiny work regarding the Agency; whereas the executive director lied to Members of Parliament at a series of hearings;

Or. en

Amendment 7
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Notes the resignation of the executive director of the Agency on 28 April 2022 **and** the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible;

1. Notes the resignation of the executive director of the Agency on 28 April 2022, **following numerous reports and journalistic investigations exposing wrongdoing particularly in the field of upholding human rights; further notes** the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible; **highlights that the new executive director should commit to ensuring full respect of fundamental rights in all activities of the Agency as well as have**

high-level administrative and management skills; in line with Parliament's prerogatives, invites the management board and the Commission to actively engage with the Parliament in this process, committing to full transparency and accountability before Parliament;

Or. en

Amendment 8

Sophia in 't Veld, Ramona Strugariu, Gilles Boyer

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible;

Amendment

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible; ***before advancing this recruitment, invites the management board to commit to increased transparency and accountability to Parliament, to be confirmed through a written exchange; recalls that public access to OLAF final reports concerning the Agency, in an appropriate format for public use, as well as the full implementation of all recommendations by Parliament, and in particular by its Frontex Scrutiny Working Group, should form part of such a commitment of the management board to transparency and accountability;***

Or. en

Amendment 9

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible;

Amendment

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and the appointment by the management board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; ***reiterates the Parliament's letter to the Commission stressing that the new executive director should have relevant knowledge and experience of fundamental rights management and a track-record of positive organisational change management, among other things;*** calls on the management board of the Agency to appoint an executive director as soon as possible; ***invites the management board, before advancing this recruitment, to commit to increased transparency and accountability to Parliament, to be confirmed through a written exchange;***

Or. en

Amendment 10

Younous Omarjee

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21

Amendment

1. Notes the resignation of the executive director of the Agency on 28 April 2022 and ***his former head of cabinet following the release of the OLAF report; deplores the absence of disciplinary proceedings against them despite the recommendations of OLAF in this regard;***

June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible;

condemns the lies of its former Executive Director to the European Parliament at different occasions; welcomes the appointment by the management Board of an executive director ad interim as of 1 July 2022; notes the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible ***who should be strongly committed to ensure the respect of fundamental rights in all activities of the Agency;***

Or. en

Amendment 11

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution Paragraph 2

Motion for a resolution

2. Welcomes the briefing note on ‘Actions taken by Frontex management during transition period’ that was sent to the Committee on Budgetary Control on 27 June 2022 that informs the discharge authority on the measures taken by the interim management of the Agency, in anticipation of the appointment of a new executive director; calls on the interim management and on the to be appointed executive director to continue with pro-actively informing the discharge authority on its response to its observations and recommendations;

Amendment

2. Welcomes the briefing note on ‘Actions taken by Frontex management during transition period’ that was sent to the Committee on Budgetary Control on 27 June 2022 that informs the discharge authority on the measures taken by the interim management of the Agency, in anticipation of the appointment of a new executive director; ***welcomes the acknowledgement by the acting executive director of the standing problems of the Agency and appreciates her commitment to ensuring that the Agency fully implements its mandate and operates in full respect of the rule of law and fundamental rights, to changing the organisational culture of the Agency, including making sure people are not afraid to speak up about possible wrongdoings and that there is proper follow-up, to establishing a dialogue with the members of staff, to encouraging***

delegation of powers and to building relationships of trust with other institutions and the public; further welcomes also her commitment to transparency; calls on the interim management and on the to be appointed executive director to continue with proactively informing the discharge authority on its response to its observations and recommendations;

Or. en

Amendment 12
Younous Omarjee

Motion for a resolution
Paragraph 2

Motion for a resolution

2. *Welcomes* the briefing note on ‘Actions taken by Frontex management during transition period’ that was sent to the Committee on Budgetary Control on 27 June 2022 that informs the discharge authority on the measures taken by the interim management of the Agency, in anticipation of the appointment of a new executive director; calls on the interim management and on the to be appointed executive director to continue with proactively informing the discharge authority on its response to its observations and recommendations;

Amendment

2. *Notes* the briefing note on ‘Actions taken by Frontex management during transition period’ that was sent to the Committee on Budgetary Control on 27 June 2022 that informs the discharge authority on the measures taken by the interim management of the Agency, in anticipation of the appointment of a new executive director; calls on the interim management and on the to be appointed executive director to continue with proactively informing the discharge authority on its response to its observations and recommendations;

Or. en

Amendment 13
Caterina Chinnici

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2 a. Takes note that a commitment has been undertaken in the briefing note from 27 June 2022 for preparation of an action plan on the remedial actions presented in this document under the lead of the executive director ad interim; expects the action plan to be submitted to the Parliament, as well as an update on its implementation to be presented regularly; considers the progress in implementing the action plan as an important condition for the discharge to the Agency;

Or. en

Amendment 14

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Calls on the executive management of the Agency to continue with the implementation of the Agency's mandate; recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022 that the fast growing pace imposed by the new mandate of the Agency caused difficulties that were, with hind sight, underestimated, leading to delays in recruitment in particular;

Amendment

3. Calls on the executive management of the Agency to continue with the implementation of the Agency's mandate; **reiterates that clarity, transparency, open dialogue and communication both internally and externally, the delegation of responsibilities and tasks, as well as abiding by high standards of ethics and respect for fundamental rights are essential for changing the organisational culture within the Agency, ensuring good governance and improving its functioning towards a full implementation of its mandate, as established by Regulation (EU) 2019/1896; reminds that this is a collective effort which requires the sincere cooperation of the executive management, the Agency's Management Board and the Commission; reiterates Parliament's support within this process;** recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022 that the fast growing pace imposed by the new mandate of the Agency caused difficulties that were, with

hind sight, underestimated, leading to delays in recruitment in particular; ***notes that the current corrective coefficient has a negative impact on recruitment and calls for a revision taking into account the reality of cost of life in order to improve geographical balance within the Agency;***

Or. en

Amendment 15

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Calls on the executive management of the Agency to continue with the implementation of the Agency's mandate; recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022 that the fast growing pace imposed by the new mandate of the Agency caused difficulties that were, with hind sight, underestimated, leading to delays in recruitment in particular;

Amendment

3. Calls on the executive management of the Agency to continue with the implementation of the Agency's mandate; recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022 that the fast growing pace imposed by the new mandate of the Agency caused difficulties that were, with hind sight, underestimated, leading to delays in recruitment in particular; ***reiterates the findings of the Frontex Scrutiny Working Group, highlighting that recruitment delays were unnecessary, and that the deliberate actions of the former executive director against strengthening the fundamental rights capacity of the Agency were instrumental to this delay;***

Or. en

Amendment 16

Younous Omarjee

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Calls on the executive management of the Agency to *continue with* the implementation of the Agency's mandate; *recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022* that the *fast growing pace imposed by the new mandate* of the Agency *caused difficulties that were, with hind sight, underestimated, leading to delays in recruitment in particular*;

Amendment

3. Calls on the executive management of the Agency to *ensure* the implementation of the Agency's mandate *fully complies with fundamental rights*; *considers* that the *Agency's management board has failed in its mission to uphold respect for fundamental rights by not acting, and thereby bears also the responsibility for the deterioration of fundamental rights standards* of the Agency; *calls on the management board and the Commission to ensure that the Agency stops being involved in covering up fundamental rights violations*;

Or. en

Amendment 17

Monika Hohlmeier, Tomáš Zdechovský, Jeroen Lenaers

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

3. Calls on the executive management of the Agency to *ensure* the implementation of the Agency's mandate *fully complies with fundamental rights*; *considers* that the *Agency's management board has failed in its mission to uphold respect for fundamental rights by not acting, and thereby bears also the responsibility for the deterioration of fundamental rights standards* of the Agency; *calls on the management board and the Commission to ensure that the Agency stops being involved in covering up fundamental rights violations*;

Amendment

3 a. *Reiterates its call on the Commission to provide clear definitions and guidelines for the interpretation and implementation of the Agency's mandate, particularly border control aspects, to ensure an adequate and proper use of the Agency's financial means*;

Or. en

Amendment 18

Younous Omarjee

Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

4. *Reiterates its concern that the*

Amendment

4 a. *Reiterates its concern that the*

executive director of the Agency used in violation of Financial Regulation a private plane on 4 March 2020, costing the agency 8500 EUR;

Or. en

Amendment 19
Younous Omarjee

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4 b. *Notes with strong concern the media reports in August 2022 whereby the Agency is accused of exploiting cultural mediators by using a contractor who allegedly offers them an effective wage of less than €2.50 an hour, considering that they need to be available 24/7; points to the petition initiated by cultural mediators in this regard as well as their complaint to the European Ombudsman;*

Or. en

Amendment 20
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Welcomes the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; notes **that** five of the seven conditions are reported as being implemented by the Agency; regrets to note that two conditions still have not been fully met;

5. Welcomes the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; notes **however that only** five of the seven conditions are reported as being implemented by the Agency; regrets to note that two conditions still have not been fully met;

Amendment 21
Younous Omarjee

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Welcomes** the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; notes that five of the seven conditions are reported as being implemented by the Agency; regrets to note that two conditions still have not been fully met;

Amendment

5. **Notes** the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; notes that five of the seven conditions are reported as being implemented by the Agency; regrets to note that two conditions still have not been fully met;

Or. en

Amendment 22
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Welcomes the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; **notes that five** of the seven conditions are **reported as** being implemented by the Agency; **regrets to note that two** conditions still have not been fully met;

Amendment

5. Welcomes the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; **deeply regrets that only three** of the seven conditions are being implemented by the Agency **and that four** conditions still have not been fully met;

Or. en

Amendment 23
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Notes* that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, **more than one and a half year after the deadline set in the Agency's founding regulation** (5 December 2020); **notes that** the Agency **now strives to have 46 FRMs**; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions;

Amendment

6. **Deplores** that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022; **highlights that according to Article 110(6) of Regulation (EU) 2019/1896, the Agency had the obligation to recruit at least 40 fundamental rights monitors (FRMs) by 5 December 2020; recognises the recent progress made by the Agency in the recruitment and welcomes the intention to operate a first increase in the number of FRMs from 40 to 46; highlights that Regulation (EU) 2019/1896 provides the framework for further increases in the number of FRMs, as the Agency expands; reiterates its calls on the Agency to conduct all future FRMs recruitments and appointments at AD level**; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions; **underlines however the findings of the Frontex Scrutiny Working Group indicating that the former executive director of the Agency had caused a significant and unnecessary delay in the recruitment of FRMs**;

Or. en

Amendment 24

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Notes* that one of the conditions not

Amendment

6. **Regrets** that one of the conditions

yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 **June** 2022, 31 FRMs were in service, **with three more to take office on 1 September 2022**, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); notes that the Agency now strives to have 46 FRMs; **notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions;**

not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 **September** 2022, 34 FRMs were in service, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); notes that the Agency now strives to have 46 FRMs; **regrets that even though the Frontex Scrutiny Working Group has established that the recruitment of FRMs was unnecessarily delayed by the Agency's previous executive director, the Agency continues to contend that the delay was due to lengthy recruitment procedures in Union institutions; urges the Agency to meet its legal obligations on this matter as soon as possible and keep the discharge authority informed about the progress made;**

Or. en

Amendment 25 **Younous Omarjee**

Motion for a resolution **Paragraph 6**

Motion for a resolution

6. Notes that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); notes that the Agency now strives to have 46 FRMs; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions;

Amendment

6. Notes that one of the conditions not yet met is the recruitment of **at least 40** fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); notes that the Agency now strives to have 46 FRMs; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions; **highlights in this regard 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 FRMs; urges**

the Agency to swiftly recruit FRMs and to appoint them at AD level, as Parliament and the Commission have repeatedly called for;

Or. en

Amendment 26

Monika Hohlmeier, Tomáš Zdechovský, Jeroen Lenaers

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Notes that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); *notes* that the Agency now strives to have 46 FRMs; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions;

Amendment

6. Notes that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); *welcomes* that the Agency now strives to have 46 FRMs; notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions *and acknowledges its commitment to recruit the remaining FRMs as quickly as possible; notes that the FRO has expressed content with the procedure;*

Or. en

Amendment 27

Caterina Chinnici

Motion for a resolution

Paragraph 6

Motion for a resolution

6. *Notes* that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on

Amendment

6. *Regrets* that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on

1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); notes that the Agency now strives to have 46 FRMs; *notes the explanation provided by the Agency that the delay was due to lengthy recruitment procedures in Union institutions;*

1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022, more than one and a half year after the deadline set in the Agency's founding regulation (5 December 2020); *insists that the Agency should ensure - from now on - that FRMs are recruited at AD grade and encourages the Agency to further increase the number of FRMs beyond the initial 40, which is a threshold and not a ceiling;* notes that the Agency now strives to have 46 FRMs;

Or. en

Amendment 28

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6 a. *Regrets that the Agency has not evaluated its activities in Greece, even though reports by institutions of Member States, the Council of Europe and the United Nations show that the Agency was carrying out operations in sections where simultaneously, fundamental rights violations were taking place; regrets that the discharge authority has addressed this matter in its first 2020 discharge report on the Agency, but that the Agency has not provided any substantial information on how it plans to follow up on this; emphasises the urgency of this matter in light of the developments in Greece; urges the Agency to conduct a thorough evaluation as soon as possible and keep the discharge authority updated;*

Or. en

Amendment 29

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Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 6 b (new)

Motion for a resolution

Amendment

6 b. *Regrets that the Agency has not yet revised the SIR SOP; notes that this was initially planned for the second quarter of 2022 but that this has, according to the Agency due to the war in Ukraine, been delayed to the third quarter of 2022;*

Or. en

Amendment 30
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Notes that the **second** condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes that the Agency's Fundamental Rights **Officers recommend partially suspending return operations and additional safeguards when conductions return operations;**

7. Notes that the **fourth** condition not yet met is the call on the Agency to suspend its support-related activities in Hungary; **is appalled that the Agency continues to choose not to act** in accordance with Article 46 of Regulation (EU) 2019/1896 **of the European Parliament and of the Council¹ and in line with the conclusions of the Court of Justice of the European Union in infringement procedures against Hungary;** notes that the Agency **argues that**, instead of suspending the support-related activities, **it** rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; **is concerned about the extent to which the Agency's approach relies on Hungary's assurances;** notes that the Agency's

Fundamental Rights *Officer stresses that the continuous support of the Agency in Hungary can implicate the Agency in the violation of the non-refoulement principle, and recommends the Agency to suspend its support-related activities in Hungary, and build in additional safeguards if the Agency would nonetheless continue to operate; stresses that the Agency has in no way shown how reversing Article 46 of Regulation (EU) 2019/1896 and continuing operational presence helps to promote respect for fundamental rights and reduce the violation of it, and instead of that chooses not to comply to the law on no evidential basis; reiterates its call upon the Agency to suspend its operations in Hungary;*

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Or. en

Amendment 31

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes

Amendment

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes

that the Agency's Fundamental Rights Officers recommend partially suspending return operations and additional safeguards when conducting return operations;

that the Agency's Fundamental Rights Officers recommend partially suspending return operations and additional safeguards when conducting return operations; ***underlines however that the Agency must refrain from participating in any operations governed by national legislation provisions that had been deemed incompatible with the Union law by the Court of Justice of the European Union (hereinafter - Court of Justice) until all such provisions are in line with the *acquis communautaire*; further notes with concern that the Court of Justice established through its judgement of 30 June 2022 that Lithuanian legislation was incompatible with Union and international law; deplores the fact that the Agency has failed to act in accordance with Article 46, even after the Court of Justice judgement; notes the progress made by the Agency through the adoption of the detailed Standard Operating Procedures for Article 46, in the form of an Executive Director Decision in January 2022; highlights the importance of implementing these procedures abiding by the highest standards of respecting fundamental rights;***

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Or. en

Amendment 32

Monika Hohlmeier, Tomáš Zdechovský, Jeroen Lenaers

Motion for a resolution Paragraph 7

Motion for a resolution

Amendment

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes that the Agency's Fundamental Rights Officers recommend partially suspending return operations and additional safeguards when conductions return operations;

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes that the Agency's Fundamental Rights Officers recommend partially suspending return operations and additional safeguards when conductions return operations; ***recalls and supports the argument expressed by the Commission in the Committee on Budgetary Control meeting of 13 July that a presence of the Agency in Hungary allows the Agency to monitor and control possible violations of fundamental rights against refugees or asylum seekers by Hungarian authorities at the border; emphasises the importance of border control in the Agency's mandate and the training of and cooperation with national authorities to implement the Union standards as foreseen in the legislation;***

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Or. en

Amendment 33
Caterina Chinnici

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. **Notes** that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes that the Agency's Fundamental Rights **Officers recommend** partially suspending return operations and additional safeguards when **conductions** return operations;

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

7. **Regrets** that the second condition not yet met is the call on the Agency to suspend its support-related activities **to return operations** in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ **and the clear guidance given by the Court of Justice of the European Union to the executive director to implement this article and suspend the activities in Hungary**; notes that the Agency, instead of suspending the support-related activities, rather takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely; notes that the Agency's Fundamental Rights **Officer recommends** partially suspending return operations and additional safeguards when **conducting** return operations;

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Or. en

Amendment 34 **Younous Omarjee**

Motion for a resolution **Paragraph 7**

Motion for a resolution

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, **rather takes additional safeguarding measures to get** assurance from the Hungarian authorities

Amendment

7. Notes that the second condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, in accordance with Article 46 of Regulation (EU) 2019/1896¹ ; notes that the Agency, instead of suspending the support-related activities, **rely on the** assurance from the Hungarian authorities that fundamental rights have been

that fundamental rights have been respected, **and monitors this closely**; notes that the Agency's Fundamental Rights Officers recommend partially suspending return operations **and additional safeguards when conductions** return operations;

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

respected; notes that the Agency's Fundamental Rights Officers recommend partially suspending return operations; **highlights the serious risks of fundamental rights violations in this regard given the overall rule of law situation in Hungary and reiterates its call to suspend** return operations **in Hungary**;

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Or. en

Amendment 35 **Younous Omarjee**

Motion for a resolution **Paragraph 8**

Motion for a resolution

8. **Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner**; calls **nevertheless** on the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;

Amendment

8. Calls on the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022; **urges the Agency to implement correctly Article 46 of Regulation (EU) 2019/1896; notes in this regard with concern that the Agency, despite reports by the Fundamental Rights Officer that Lithuanian laws were incompatible with the Union and international law, which was confirmed by the Court of Justice of European Union in its judgment on 30 June 2022, failed to act in accordance with Article 46 of Regulation (EU) 2019/1896, and has led the Agency's staff to being complicit in fundamental rights violations; regrets that**

even after the Court of Justice of European Union judgement, Article 46 of Regulation (EU) 2019/1896 was not invoked and operational redeployment was justified only on the basis of operational needs; calls for a suspension of the Agency's operations in Lithuania and Latvia until their laws are in line with the Union acquis;

Or. en

Amendment 36

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Concludes that the Agency has implemented **most** of the conditions formulated by the discharge authority **in a satisfactory manner; calls nevertheless on** the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;

Amendment

8. Concludes **with deep regret** that the Agency has **not** implemented **the majority** of the conditions formulated by the discharge authority, **and that important conditions are outstanding; stresses that meeting those conditions is a crucial aspect for the discharge authority to grant discharge for the financial year 2020; urges** the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022, **and inform the discharge authority about the progress made;**

Or. en

Amendment 37

Tomáš Zdechovský

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner; ***calls nevertheless on the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;***

Amendment

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner;

Or. en

Amendment 38
Caterina Chinnici

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner; ***calls nevertheless*** on the Agency to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;

Amendment

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner, ***but the full implementation of all conditions is still not achieved***; calls on the Agency ***to fulfil the remaining two conditions, as well as*** to adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;

Or. en

Amendment 39
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner; calls nevertheless on the Agency to ***adopt promptly a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, in line with the recommendations made by the Agency's Fundamental Rights Officer in its annual report for 2022;***

Amendment

8. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner; calls nevertheless on the Agency to promptly ***act and comply with all conditions stipulated*** by the ***Parliament*** in its ***previous discharge resolutions***;

Or. en

Amendment 40
Younous Omarjee

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Reiterates its call to thoroughly evaluate its operations in Greece, in light of reports by OLAF, institutions of Member States, the Council of Europe and the UN, showing that the Agency was carrying out joint border surveillance operations in sections where at the time, fundamental rights violations were taking place; calls, given those evidences, for the immediate suspension of operations of the Agency in Greece;

Or. en

Amendment 41
Caterina Chinnici

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Reiterates, once again, that the

dramatic increase in competences and budget which the Agency has seen in recent years must be accompanied by a corresponding increase in accountability and transparency; stresses that the granting of discharge in respect of the implementation of the Agency's budget is conditional on such accountability and transparency, and especially on the Agency's commitment to Union law;

Or. en

Amendment 42

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available to the Members of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge;

Amendment

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities; ***notes that this has only been made*** available to the Members of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge; ***regrets the long delay taken to granting the access; stresses that the findings of the OLAF report are a matter of public interest; notes that it has by now been clarified that OLAF is the report's owner and that all pending actions following up on the report's findings have been closed; requests that since the Agency's conduct concerns the handling of taxpayers' money, the report is made publicly available without further delay;***

Or. en

Amendment 43
Younous Omarjee

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available to the Members of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge;

Amendment

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available to the Members of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge; ***regrets the long delay taken towards granting access that hampered Members' scrutiny of the Agency; is profoundly concerned about the findings of that investigation that looked notably at the handling of reports of fundamental rights incidents including push-backs; expresses its utter condemnation of the behaviour and actions described in the findings presented;***

Or. en

Amendment 44
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available to the Members of the Committee on

Amendment

9. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available to the Members of the Committee on

Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge;

Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; ***deeply regrets the long delay taken towards granting that access; underlines that this delay has hampered Members' scrutiny of the Agency***; recalls that having access to that report was deemed necessary by the discharge authority to take a fully informed decision on the 2020 discharge;

Or. en

Amendment 45
Younous Omarjee

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. Deeply regrets that 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, now all confirmed by the findings of the OLAF report; highlights that the Parliament should not have increased the budget nor granted discharge to the Agency in the previous years and should not grant discharge for the financial year 2020;

Or. en

Amendment 46
Younous Omarjee

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution

Amendment

9 b. Calls on the acting executive

director, the deputy executive directors and the Fundamental Rights Officer to urgently be granted access to the report in light of its crucial importance for their work; reiterates its call for public access to the OLAF investigation in light of its public interest;

Or. en

Amendment 47
Younous Omarjee

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Notes that the serious concerns raised *on the basis of* the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue;

Amendment

10. Notes that the serious concerns raised *by some Members over the years and at* the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; *points that two additional OLAF final reports are expected to be presented in 2022 in relation to this Agency; calls for immediate access of Members to these additional reports when they will be finalised to ensure Members' scrutiny as well as of all executive staff of the Agency that need to access the report to ensure a correct implementation of the Agency's budget in the future;* notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that *some* actions have been taken in follow-up to OLAF's conclusions in the *final report; highlights nevertheless that further actions need to be taken to address all the issues raised by this OLAF* final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no

structural issue; *awaits further OLAF final reports to understand the depth of the problem;*

Or. en

Amendment 48

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue;

Amendment

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; ***expresses its utter dismay in the behaviour and actions described in the findings presented and the lack of accountability;*** notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; ***reiterates its call upon the Agency to present a detailed road map on how it intends to fulfil the outstanding concerns, together with a clear and detailed timeframe for these actions;*** notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue; ***highlights however that the conclusions presented in the report of the OLAF on the investigation conducted with respect to the activities of the Agency, under the former executive leadership, are extremely serious and constitute a substantial reason for a refusal of discharge for the year 2020;***

Amendment 49**Bas Eickhout**

on behalf of the Verts/ALE Group

Motion for a resolution**Paragraph 10***Motion for a resolution*

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; ***notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue;***

Amendment

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; ***stresses that this discharge procedure concerns the 2020 year and since OLAF's findings also concern 2020, OLAF's findings are relevant for this discharge procedure regardless of the Agency's actions since the previous Executive Director's resignation; notes that media reports on the investigation set out how the individuals subject to the investigation knew about fundamental rights violations from very early onwards, did not address these as they are legally required to, but instead consciously chose to ignore and even conceal the facts, consciously mislead the Parliament, and disrespected the Commission and their own colleagues working on fundamental rights issues; is profoundly concerned about the reported findings of the investigation; expresses its utter disappointment in the behaviour and actions by the persons subjected to the investigation;***

Amendment 50**Caterina Chinnici****Motion for a resolution**

Paragraph 10

Motion for a resolution

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; ***notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue;***

Amendment

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; ***is deeply concerned, by the magnitude of the committed serious misconducts and other irregularities identified by OLAF in the Agency, as well as the level at which they have been committed; considers in this regard that serious remedial actions should be undertaken and that the resolution of the problems discovered by OLAF will take time and will require strong engagement especially by the expected new Executive Director;*** notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; ***expects the Agency's management to inform the Parliament about its action plan and further actions, as well as about their implementation;***

Or. en

Amendment 51

Monika Hohlmeier, Tomáš Zdechovský, Jeroen Lenaers

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; notes from the statements of the Chair of the

Amendment

10. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are indeed confirmed in the final report; notes from the statements of the Chair of the

Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue;

Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes the comments from the Chair of the Agency's management board, and the Commission's deputy director-general for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue; ***recalls further that it was reconfirmed at this meeting that the OLAF final report does not contain any financial implications or indications of violations of sound financial management at the Agency;***

Or. en

Amendment 52

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Notes from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022 that actions have been taken in follow-up to OLAF's conclusions in the final report; notes with deep concern the comments from the Chair of the Agency's management board, and the Commission's Deputy Director-General for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue; notes that the Agency's failings are not merely related to individuals; stresses, first of all, that there are structural problems with checks and balances when misconduct by individuals is able to continue for so long; stresses, second of all, that media reports on OLAF findings about Member States

pressuring the Agency's coast guards and concealing pushbacks imply challenges for the Agency beyond the past leadership; is, third of all, deeply concerned about the expressed intentions of several staff to quit the Agency because of the organisational culture and overall working environment, which also points to structural problems; is, fourth of all, concerned about the way the Agency continues to apply Article 46 of Regulation (EU) 2019/1896, as is indicated by the present executive director ad interim's decision to increase presence in the Aegean Sea despite media reports on OLAF's findings pointing to persistent fundamental rights violations in this area;

Or. en

Amendment 53
Younous Omarjee

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Points that, as reported by the media, OLAF investigators detail "how Frontex used European taxpayer money to fund pushbacks in at least six instances" and that this was concealed "from all subsequent inquiries made by the European Parliament and Frontex's Management Board"; points to the findings reported by the media that an aerial asset has been withdrawn not to witness push-backs^[1]; highlights that in April 2022, a new investigation coordinated by Lighthouse reports showed that the Agency was involved in the illegal pushbacks of at least 957 refugees between March 2020 and September 2021; calls for an urgent re-examination by the Agency of all potential incidents based on the findings of the OLAF report, including the ones that were not

categorised as a potential fundamental rights violation;

[1] <https://www.spiegel.de/international/europe/frontex-scandal-classified-report-reveals-full-extent-of-cover-up-a-cd749d04-689d-4407-8939-9e1bf55175fd>

Or. en

Amendment 54
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 10 b (new)

Motion for a resolution

Amendment

10 b. Recognises that the structural problems that the Agency is confronted with, are legacy issues and that the current and future leadership of the Agency needs to find a way to deal with those issues in order to help the Agency move forward; emphasises that if the Agency's current leadership will recognise the structural issues and aims to address them, the Agency has the discharge authority's full support; stresses, however, that if and as long as the Commission and the Agency's management board continue to regard the OLAF findings as an isolated incident, the structural issues identified as reported in media remain unaddressed, no new and fresh start can be made, and the Agency will continue to fall short in respecting fundamental rights; notes that the discharge authority considers the following matters as crucial in moving forward successfully:

a. recognising that the four challenges identified as set out above, are of structural nature and need to be addressed as such;

b. complying to Article 46 of Regulation (EU) 2019/1896 and suspending operations, including in Hungary and in

Greece;

c. explicating in Joint Operation Plans with Member States how Member States need to cooperate in the handling of SIRs so that these can be addressed effectively, which includes allowing the Agency an access to all relevant sources and assets, including local information sources, that the Agency has the ability to critically review Member States' assessments of incidents, and that non-compliance from the side of Member States on those matters could lead to a suspending of funding;

Stresses that a failure to show substantial progress on those conditions could increase the risk of refusal of granting discharge in the 2021 discharge cycle;

Or. en

Amendment 55
Younous Omarjee

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Calls on the Agency's management board and executive management to carefully re-assess the content of the OLAF final report and to address any issues that potentially do have a structural character; calls in particular to review *issues potentially related to the balance between border control and* fundamental rights, and on sharing of information within the Agency and between the Agency and the Parliament;

Amendment

11. Calls on the Agency's management board and executive management to carefully re-assess the content of the OLAF final report and to address any issues that potentially do have a structural character; calls in particular to review *the conclusions on incidents examined by the management board in relation to their compliance with* fundamental rights *in light of the reported concealing of information to the management board as reported by the media*, and on sharing of information within the Agency and between the Agency and the Parliament;

Or. en

Amendment 56

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11

Motion for a resolution

11. ***Calls on*** the Agency's ***management board and*** executive management to ***carefully re-assess*** the content of the OLAF final report ***and to address any issues that potentially do have a structural character; calls in particular to review issues potentially related to the balance between border control and fundamental rights, and on sharing of information within the Agency and between*** the Agency and the ***Parliament***;

Amendment

11. ***Urges*** the Agency's executive management to ***be granted access to and read*** the content of the OLAF final report; ***urges*** the Agency and the ***Commission to acknowledge and address the structural issues mentioned as these seem to relate both to the Agency's direct operations as well as to oversight, and ensure that this never happens again; calls upon the Commission and the Agency to inform the discharge authority about how the structural issues will be addressed;***

Or. en

Amendment 57

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

11 a. Calls on OLAF and the Agency's management board to urgently grant access to the OLAF final report to the acting executive director, the deputy executive directors and the Fundamental Rights Officer, in light of its crucial importance for ensuring a correct implementation of the Agency's budget and regulation in the future; considers that the findings of the OLAF report are a matter of public interest and requests OLAF to reassess making the report public without further delay, in full compliance with OLAF regulations and data protection legislation;

Amendment

Amendment 58

Monika Hohlmeier, Tomáš Zdechovský, Jeroen Lenaers

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Acknowledges and highly welcomes the positive change in management style introduced by the Executive Director ad interim who promotes a team-based approach with a consultative and inclusive leadership with the full support of the Management Board and the Fundamental Rights Officer (FRO); welcomes the positive role of the new management board Chair and the important contribution by the FRO which has improved the intensity of meetings and support for the Agency;

Or. en

Amendment 59

Caterina Chinnici

Motion for a resolution

Subheading 3 a (new)

Motion for a resolution

Amendment

***The Court of Auditors' Special Report
08/2021***

Or. en

Amendment 60

Caterina Chinnici

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. *Notes that the Agency has reported implementation of Recommendation 5 of the Court of Auditors' Special Report No 8/2021 (deadline end of 2021), but is postponing the deadline for implementation of Recommendation 1, regarding the improvement of the information exchange framework and of the European situational picture, by more than a year from mid-2022 to the third and the fourth quarters of 2023; notes further the ongoing/partial implementation of Recommendations 2, 3 and 4 and encourages the Agency to respect the deadline for their implementation by the end of 2022;*

Or. en

Amendment 61
Younous Omarjee

Motion for a resolution
Subheading 3 a (new)

Motion for a resolution

Amendment

Involvement in fundamental rights violations

Or. en

Amendment 62
Bas Eickhout
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12 a. *Notes with deep concern the media reports from July 2022 indicating that the Agency pursued an expansion of intrusive*

data collection from migrants under the PeDRA programme, including genetic data and sexual orientation, which was shared with the Europol and security agencies of Member States; stresses that this programme does not only target non-suspects, but also loosens the restrictions concerning the exchange of personal data between the Agency and the Europol; highlights the fact that the Data Protection Officer repeatedly warned that this data expansion cannot be achieved without breaching the Union law and recommended to consult the European Data Protection Supervisor; condemns that the Agency ignored this advice and went ahead with it either way; requests the Agency to report to the discharge authority the current status of this matter and keep the discharge authority informed about the steps that will be taken to address it; calls upon the Agency to suspend this programme until further scrutiny;

Or. en

Amendment 63
Younous Omarjee

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. *Highlights that new media reports published on 7 July 2022 showed that the Agency sidelined its own data protection watchdogs in pursuing an expansion of “intrusive” data collection from migrants and asylum seekers under the PeDRA programme, including genetic data and sexual orientation to store, analyse and share that data with the Europol and security agencies of Member States; condemns the decision by the Agency's former Executive Director, the Commission and the Agency's*

management board to ignore the Agency’s own Data Protection Officer, who warned repeatedly that the PeDRA expansion “cannot be achieved by breaching compliance with Union legislation” and that the programme posed “a serious risk of function creep in relation to the Agency’s mandate.” as well as the decision to not consult European Data Protection Supervisor despite warnings of the serious risks of the programme by the DPO;^[1]

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

Or. en

Amendment 64
Younous Omarjee

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Highlights the fact 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 65
Younous Omarjee

Motion for a resolution
Paragraph 11 c (new)

11 c. *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; highlights that another case was brought in March 2022 to the Court by A.H. who landed on a Greek island with 21 other asylum-seekers in April 2020, and, instead of processing their asylum claims, were subsequently abducted, detained, transferred to, and abandoned by the authorities on, a raft left adrift for 17 hours with no life-vests, water, food, means of navigation or communication while an aerial asset of the Agency surveilled from above;*

Or. en

Amendment 66
Younous Omarjee

Motion for a resolution
Paragraph 11 d (new)

11 d. *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; strongly deplores that there has still not been any conclusion by the Agency nor Greek authorities of the investigation in this specific case that was reported in November 2021 to the Agency's management board; highlights that this episode is another credible evidence of the systematic violations of fundamental rights that occur in Greece and the absence of appropriate actions taken by the Agency to address those violations;

Or. en

Amendment 67

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Gilles Boyer, Michal Wiezik

Motion for a resolution Paragraph 12

Motion for a resolution

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to sensibly implement the Ombudsman's recommendations;

Amendment

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to sensibly implement the Ombudsman's recommendations; ***suggests to the Agency to develop and implement a new code of conduct ensuring full transparency and a good management;***

Or. en

Amendment 68

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to sensibly implement the Ombudsman's recommendations;

Amendment

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes ***with concern*** its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to sensibly implement the Ombudsman's recommendations ***and keep the discharge authority informed about the progress made;***

Or. en

Amendment 69

Younous Omarjee

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes

Amendment

12. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes its conclusion that the Agency should ensure a more proactive approach to transparency, including publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations; notes

that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to *sensibly* implement the Ombudsman's recommendations;

that the Agency cannot share information of a tactical nature that could be abused for human trafficking or other illegal activities; calls on the Agency to implement the Ombudsman's recommendations;

Or. en

Amendment 70
Younous Omarjee

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12 a. Welcomes the acknowledgement by the acting executive director of the standing problems of the Agency and the commitments she made in her presentation in Parliament's Committee on Civil Liberties, Justice and Home Affairs on 30 May 2022, which included commitments to ensure that the Agency operates in full respect of the rule of law and fundamental rights, to change the organisational culture of the Agency, including to make sure people are not afraid to speak up about possible wrongdoings; welcomes in particular her commitment to transparency; expects decisive steps to fulfil those commitments;

Or. en

Amendment 71
Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. Recalls that the Agency reported to have been notified of 17 cases of alleged harassment in 2020; notes from the

13. Recalls that the Agency reported to have been notified of 17 cases of alleged harassment in 2020; notes from the

Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors while the other 15 cases were closed without further follow-up; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, ***such as the re-opening of a closed case regarding the suicide of the staff member,*** to make sure all cases are properly treated;

Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors while the other 15 cases were closed without further follow-up; ***highlights that a particular focus should be placed on identifying, reporting and combatting sexual harassment, especially in light of whistleblower reportings of such alleged cases;*** welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, to make sure all cases are properly treated; ***welcomes the expressed commitment of the ad-interim executive director to remain vigilant and take additional measures in this field; expresses shock and deep concern about the case of suicide of a staff member, related to alleged practices of sexual harassment, mentioned in discussions between Agency officials and Members participating in the mission of the Committee on Budgetary Control to Poland in July 2022, and welcomes the reopening of this case by the new executive leadership; calls on the executive director to conduct a full and detailed investigation about this particularly severe and worrying case, to keep the discharge authority informed about the results of this investigation and to fully cooperate with criminal investigation authorities in the process; calls on the executive director to conduct a thorough investigation into the implementation of existing procedures against sexual harassment, to report back to the discharge authority about the findings and to present a detailed action plan with measures ensuring zero tolerance towards sexual harassment in both its administrative and operational activities;***

Or. en

Amendment 72
Younous Omarjee

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that the Agency reported to have been notified of 17 cases of alleged harassment in 2020; notes from the Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors *while* the other 15 cases were closed without further follow-up; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, such as the re-opening of a closed case regarding the suicide of the staff member, to make sure all cases are properly treated;

Amendment

13. Recalls that the Agency reported to have been notified of 17 cases of alleged *sexual* harassment in 2020; notes from the Agency's follow-up to the first 2020 discharge report that *only* two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors; *deplores the fact that* the other 15 cases were closed without further follow-up; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, such as the re-opening of a closed case regarding the suicide of the staff member *related to alleged practices of sexual harassment*, to make sure all cases are properly treated; *calls on the executive director to conduct a full and detailed investigation about this particularly severe and worrying case, to keep the discharge authority informed about the results of this investigation and to fully cooperate with criminal investigation authorities in the process; calls on the executive director to conduct a thorough investigation into the implementation of existing procedures against sexual harassment, to report back to the discharge authority about the findings and to present a detailed action plan with measures ensuring zero tolerance towards sexual harassment in both its administrative and operational activities;*

Or. en

Amendment 73

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Recalls that the Agency reported to have been notified of 17 cases of alleged harassment in 2020; notes from the Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors while the other 15 cases were closed without further follow-up; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, such as the re-opening of a closed case regarding the suicide of the staff member, to make sure all cases are properly treated;

Amendment

13. Recalls that the Agency reported to have been notified of 17 cases of alleged harassment in 2020; notes from the Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors while the other 15 cases were closed without further follow-up; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken, such as the re-opening of a closed case regarding the suicide of the staff member, to make sure all cases are properly treated; ***requests the Agency to fully cooperate with all relevant authorities in the process and keep the discharge authority informed about the results;***

Or. en

Amendment 74

Younous Omarjee

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; calls on the executive

Amendment

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; ***points in particular towards***

management of the Agency and on the management board to continue with making the Agency a safe place to work; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up;

the treatment of the former FRO whose work has been hampered over the years by the former executive management of the Agency, as reported by the media; calls on the executive management of the Agency and on the management board to continue with making the Agency a safe place to work; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up;

Or. en

Amendment 75

Ramona Strugariu, Olivier Chastel, Sophia in 't Veld, Alin Mituța, Michal Wiezik

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; calls on the executive management of the Agency and on the management board to continue with making the Agency a safe place to work; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up;

Amendment

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; calls on the executive management of the Agency and on the management board to continue with making the Agency a safe place to work; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up; ***insists on the need to have a compulsory training on social harassment for management and for all staff***;

Or. en

Amendment 76

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; calls on the executive management of the Agency and on the management board to continue with making the Agency a safe place to work; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up;

Amendment

14. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; calls on the executive management of the Agency and on the management board to continue with making the Agency a safe place to work ***that encourages people to speak up***; takes courage from the statements that many staff members reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals about professional misconduct are taken serious, and properly followed-up;

Or. en