



2023/2164(DEC)

12.2.2024

AMENDMENTS

1 - 13

Draft report

Petri Sarvamaa

(PE753.532v01-00)

2022 discharge: European Union Agency for Asylum (before 19.1.2022 the European Asylum Support Office)
((2023/2164(DEC))

Amendment 1

Ryszard Czarnecki, Joachim Stanisław Brudziński, Cristian Terheş, Jorge Buxadé Villalba, Elżbieta Rafalska, Pirkko Ruohonen-Lerner

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Union Agency for Asylum discharge in respect of the implementation of the Agency's budget for the financial year 2022*** / Postpones its decision on granting the Executive Director of the European Union Agency for Asylum discharge in respect of the implementation of the Agency's budget for the financial year 2022;

Amendment

1. Postpones its decision on granting the Executive Director of the European Union Agency for Asylum discharge in respect of the implementation of the Agency's budget for the financial year 2022;

Or. en

Amendment 2

Joachim Kuhs, Matteo Adinolfi, Dominique Bilde

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Commends the Agency for the significant progress made in 2022 towards the full implementation of the new provisions of Regulation (EU) 2021/2033; notes in particular, from the Agency's follow-up report for the 2021 discharge (hereinafter the 'follow-up report'), that the Agency established the Consultative Forum (CF), as well as the Asylum reserve pool which mid-June 2023 already comprised 360 Members States' approved experts (out of 500 as required by that Regulation), and ***carried out the process of recruiting its Fundamental Rights Officer who took office in May 2023, as well as*** consultations with stakeholders with a view to drafting and adopting the Complaints

Amendment

5. Commends the Agency for the significant progress made in 2022 towards the full implementation of the new provisions of Regulation (EU) 2021/2033; notes in particular, from the Agency's follow-up report for the 2021 discharge (hereinafter the 'follow-up report'), that the Agency established the Consultative Forum (CF), as well as the Asylum reserve pool which mid-June 2023 already comprised 360 Members States' approved experts (out of 500 as required by that Regulation), and consultations with stakeholders with a view to drafting and adopting the Complaints Mechanism; observes with regard to the Monitoring Mechanism that the methodology and

Mechanism; observes with regard to the Monitoring Mechanism that the methodology and programme have been under development with the adoption thereof planned for Q1 2024, followed by a pilot monitoring exercise;

programme have been under development with the adoption thereof planned for Q1 2024, followed by a pilot monitoring exercise;

Or. en

Amendment 3

Joachim Kuhs, Matteo Adinolfi, Dominique Bilde

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Takes note of the decision of the Agency to appoint a Fundamental Rights Officer (FRO); highlights that the FRO has worked with Unia, a controversial public body in Belgium; underlines that Flanders, the biggest region in Belgium, has decided to leave Unia by democratic decision of the Flemish Parliament over Unia's political bias; calls on the Agency to review the appointment of the current FRO and propose a candidate who has no ties to controversial organisations;

Or. en

Amendment 4

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Recognises from the Court's report that the Agency is not among the agencies that have established corporate plans in order to improve energy efficiency and climate neutrality of their operations, have

11. Notes with regret from the Court's report that the Agency is not among the agencies that have established corporate plans in order to improve energy efficiency and climate neutrality of their operations,

some form of environmental reporting integrated in their annual activity reports and have received the EMAS registration; highlights, nevertheless, from the Agency's replies to Parliament's written questions, that in 2022 the Agency launched a first phase in preparation for the design and implementation of an environmental management system and took preparatory actions for the subsequent phases thereof; encourages the Agency to continue engaging in capacity building activities, as well as collaborating with other agencies and Union institutions with a view to speed up the Agency's EMAS certification process; highlights that the Agency includes environmental aspects in the technical specifications or award criteria e.g. for building contracts, canteen service, cleaning services, among other; calls on the Agency also to consider developing its green public procurement policy;

have some form of environmental reporting integrated in their annual activity reports and have received the EMAS registration; highlights, nevertheless, from the Agency's replies to Parliament's written questions, that in 2022 the Agency launched a first phase in preparation for the design and implementation of an environmental management system and took preparatory actions for the subsequent phases thereof; encourages the Agency to continue engaging in capacity building activities, as well as collaborating with other agencies and Union institutions with a view to speed up the Agency's EMAS certification process; highlights that the Agency includes environmental aspects in the technical specifications or award criteria e.g. for building contracts, canteen service, cleaning services, among other; calls on the Agency also to consider developing its green public procurement policy; ***urges the Agency to consider implementing intermediate sustainable and energy-efficient solutions both to its infrastructure and internal processes, such as increased use of digital tools and document management;***

Or. en

Amendment 5

Sándor Rónai, Hannes Heide

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Notes the Agency's gender distribution with 9 men (69 %) and 4 women (31 %) in its senior and middle management (same distribution as in 2021), with 27 men (48 %) and 29 women (52 %) on its MB (an improved distribution compared to 2021) and with 203 men (39 %) and 316 women (61 %) for staff overall (same distribution as in 2021); observes

Amendment

12. Notes the Agency's gender distribution with 9 men (69 %) and 4 women (31 %) in its senior and middle management (same distribution as in 2021), with 27 men (48 %) and 29 women (52 %) on its MB (an improved distribution compared to 2021) and with 203 men (39 %) and 316 women (61 %) for staff overall (same distribution as in 2021); ***recalls the***

with appreciation the Agency's commitment to include in its upcoming HR strategy actions that will prioritise the promotion of gender representation and diversity with the Agency, and promote leadership development programs tailored to aspiring managers;

importance to ensure staff gender balance and calls on the Agency to take this aspect into consideration with regard to future recruitments of staff and appointments within its senior and middle management; observes with appreciation the Agency's commitment to include in its upcoming HR strategy actions that will prioritise the promotion of gender representation and diversity with the Agency, and promote leadership development programs tailored to aspiring managers; ***asks the Agency to report to the discharge authority about the implementation of this commitment;***

Or. en

Amendment 6

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 14 a (new)

Motion for a resolution

Amendment

14 a. stresses the importance of having robust anti-harassment frameworks in place, especially in highly-stressful and demanding work environments; invites the Agency to introduce a training scheme on the matter both for newcomers and existing staff;

Or. en

Amendment 7

Ramona Strugariu, Olivier Chastel, Michal Wiezik, Jozef Mihál, Alin Mituța, Katalin Cseh

Motion for a resolution

Paragraph 15

Motion for a resolution

Amendment

15. Notes from the Agency's follow-up

15. Notes from the Agency's follow-up

to Parliament's horizontal observations made in connection with the 2021 discharge procedure, as well as from the Agency's follow-up report, that in recent years (as from 2019) the Agency has been using the services of an external law firm (specialised in Union civil service law) when dealing with cases of alleged harassment (i.e. requests for assistance under article 24 of the USB); observes in this context that the Agency's Legal Services Unit performs an assessment to determine whether there is a need to request support or advice from an external law firm and that unit manages the relevant procedure and collaborates with the Agency's Human Resources Unit in all those cases; *recalls however, from Parliament's discharge resolution for 2017 refusing to grant the Agency's former executive director discharge for that year's budget implementation, the Agency's commitment to end outsourcing legal counselling by the establishment of an internal legal service; calls on the Agency to inform the discharge authority as to why that commitment has not been kept;*

to Parliament's horizontal observations made in connection with the 2021 discharge procedure, as well as from the Agency's follow-up report, that in recent years (as from 2019) the Agency has been using the services of an external law firm (specialised in Union civil service law) when dealing with cases of alleged harassment (i.e. requests for assistance under article 24 of the USB); observes in this context that the Agency's Legal Services Unit performs an assessment to determine whether there is a need to request support or advice from an external law firm and that unit manages the relevant procedure and collaborates with the Agency's Human Resources Unit in all those cases;

Or. en

Amendment 8

Tomáš Zdechovský, Andrey Novakov

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Notes from the Agency's follow-up to Parliament's horizontal observations made in connection with the 2021 discharge procedure, as well as from the Agency's follow-up report, that in recent years (as from 2019) the Agency has been using the services of an external law firm (specialised in Union civil service law) when dealing with cases of alleged

Amendment

15. Notes from the Agency's follow-up to Parliament's horizontal observations made in connection with the 2021 discharge procedure, as well as from the Agency's follow-up report, that in recent years (as from 2019) the Agency has been using the services of an external law firm (specialised in Union civil service law) when dealing with cases of alleged

harassment (i.e. requests for assistance under article 24 of the USB); observes in this context that the Agency's Legal Services Unit performs an assessment to determine whether there is a need to request support or advice from an external law firm and that unit manages the relevant procedure and collaborates with the Agency's Human Resources Unit in all those cases; recalls *however*, from Parliament's discharge resolution for 2017 **refusing to grant** the Agency's former executive director discharge for that year's budget implementation, the Agency's **commitment to** end outsourcing legal counselling by the establishment of an internal legal service; **calls on** the Agency **to inform the discharge authority as to why that commitment has not been kept**;

harassment (i.e. requests for assistance under article 24 of the USB); observes in this context that the Agency's Legal Services Unit performs an assessment to determine whether there is a need to request support or advice from an external law firm and that unit manages the relevant procedure and collaborates with the Agency's Human Resources Unit in all those cases; recalls from Parliament's discharge resolution for 2017 **postponing the decision on granting** the Agency's former executive director discharge for that year's budget implementation, the **Agency lacked an adequate verification of legal services to ensure that services were used for the purpose of defending the Office only, and not to defend the interests of individuals**; further recalls the **Parliament's discharge resolution for 2017 refusing the discharge for that year's budget implementation supporting the Agency's decision to reduce and rapidly** end outsourcing legal counselling by the establishment of an internal legal service; **welcomes that** the Agency **established an internal Legal Services Unit and does not outsource legal counselling anymore**;

Or. en

Amendment 9

Ramona Strugariu, Olivier Chastel, Michal Wiezik, Jozef Mihál, Alin Mituța, Katalin Cseh

Motion for a resolution Paragraph 16

Motion for a resolution

16. Recalls the Court's finding that in 2020 the Agency had 16 vacant management posts, with 10 of those occupied on an acting basis for more than one year, as well as other issues such as acting managers occupying two posts, in the Agency's establishment plan; notes

Amendment

16. Recalls the Court's finding that in 2020 the Agency had 16 vacant management posts, with 10 of those occupied on an acting basis for more than one year, as well as other issues such as acting managers occupying two posts, in the Agency's establishment plan; notes

with appreciation from the Agency's follow-up report the subsequent mitigating actions it took in order to comply with Article 7(2) of the USR, first by reducing the number of temporary occupations of management posts exceeding one year to two at the end of 2022, and, as of 2023, discontinuing them altogether, whereas no staff members are on temporary management positions for longer than a year anymore; welcomes the Agency's commitment to prioritise recruitment of managerial posts; commends the Agency for the progress made in 2022 and 2023 with regard to recruitment procedures for various middle and senior management positions, including that of the Deputy Executive Director, whereas, according to the Agency's follow-up report, two selection procedures are completed, while nine selection procedures are ongoing or not finalised; ***calls on the Agency to keep the discharge authority informed of the outcome of all those procedures***; observes lastly from the Agency's website that as at 15 January 2024, the head of the Agency's Administration Centre is on an ad interim position, while the head of the Agency's Institutional and Horizontal Affairs Centre on an acting position;

with appreciation from the Agency's follow-up report the subsequent mitigating actions it took in order to comply with Article 7(2) of the USR, first by reducing the number of temporary occupations of management posts exceeding one year to two at the end of 2022, and, as of 2023, discontinuing them altogether, whereas no staff members are on temporary management positions for longer than a year anymore; welcomes the Agency's commitment to prioritise recruitment of managerial posts; commends the Agency for the progress made in 2022 and 2023 with regard to recruitment procedures for various middle and senior management positions, including that of the Deputy Executive Director, whereas, according to the Agency's follow-up report, two selection procedures are completed, while nine selection procedures are ongoing or not finalised; observes lastly from the Agency's website that as at 15 January 2024, the head of the Agency's Administration Centre is on an ad interim position, while the head of the Agency's Institutional and Horizontal Affairs Centre on an acting position; ***notes that the selection procedure for the Head of the Administration Centre is ongoing and is expected to be finalized in Q1 2024; further notes that the selection procedure for the Head of the Institutional and Horizontal Affairs Centre is ongoing and is expected to be finalized in Q1 2024; calls on the Agency to keep the discharge authority informed of the outcome of all those procedures***;

Or. en

Amendment 10

Bas Eickhout

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 17 a (new)

17 a. *Is concerned about the internal management and procedures of the Agency given that in 2022 OLAF launched one investigation into the management and staffing policies, allegedly involving nepotism and also an investigation relating to lack of observance of human rights; reiterates its call on the Agency to fully cooperate with the investigative body and timely inform the discharge authority about outcomes and remedial measures;*

Or. en

Amendment 11

Tomáš Zdechovský, Andrey Novakov

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Recalls that in 2018 OLAF concluded another investigation which led to findings linked to e.g. mismanagement of human resources, the resignation of the Agency's executive director at that time and the adoption by the Agency's MB of a governance action plan aimed at restoring trust internally and externally, reinforcing the governance structure, and rebuilding internal capacity; observes that *in spite of the reorganisations performed by the Agency in recent years, issues still appear to exist* which may *indicate to the existence of structural problems; calls* in this context on the *Commission to identify solutions for the performance of an independent assessment* of the Agency's recent reorganisations *in order to evaluate the degree to which the Agency's current organigram and distribution of responsibilities among the Agency's middle and senior management positions are prone to risks of inefficiencies,*

Amendment

18. Recalls that in 2018 OLAF concluded another investigation which led to findings linked to e.g. mismanagement of human resources, the resignation of the Agency's executive director at that time and the adoption by the Agency's MB of a governance action plan aimed at restoring trust internally and externally, reinforcing the governance structure, and rebuilding internal capacity; observes that *the Court, in its Annual Report, closed and deemed as being addressed the observation regarding the high number of management posts which were vacant as well the issues related to the precarity at the level of managerial positions* which may *have impaired EUAA's leadership and its strategic continuity; recalls* in this context *that according to Article 41(1)(t) of the EUAA Regulation, the Management Board shall take all decisions on the establishment of the Agency's internal structures whereas the*

mismanagement of human resources, and lack of transparency (including towards the Agency's MB) among other;

Commission as a member of the Agency's Management Board regularly oversees Agency's reorganisations;

Or. en

Amendment 12

Sándor Rónai, Hannes Heide

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Recalls that in 2018 OLAF concluded another investigation which led to findings linked to e.g. mismanagement of human resources, the resignation of the Agency's executive director at that time and the adoption by the Agency's MB of a governance action plan aimed at restoring trust internally and externally, reinforcing the governance structure, and rebuilding internal capacity; observes that in spite of the reorganisations performed by the Agency in recent years, issues still appear to exist *which may indicate to the existence of structural problems*; calls in this context on the Commission to identify solutions for the performance of an independent assessment of the Agency's recent reorganisations *in order to evaluate* the degree to which the Agency's current organigram and distribution of responsibilities among the Agency's middle and senior management positions are prone to risks of inefficiencies, mismanagement of human resources, and lack of transparency (including towards the Agency's MB) among other;

Amendment

18. Recalls that in 2018 OLAF concluded another investigation which led to findings linked to e.g. mismanagement of human resources, the resignation of the Agency's executive director at that time and the adoption by the Agency's MB of a governance action plan aimed at restoring trust internally and externally, reinforcing the governance structure, and rebuilding internal capacity; observes that in spite of the reorganisations performed by the Agency in recent years, issues still appear to exist *as the anonymous letter from January 2023 points out; notes the conclusions of the ECA for 2022 financial year based on the corrective actions taken by the Agency*; calls in this context on the Commission to identify solutions for the performance of an independent assessment of the Agency's recent reorganisations *and expect that the ongoing audit by the IAS on Human Resources Management will provide relevant evaluation regarding* the degree to which the Agency's current organigram and distribution of responsibilities among the Agency's middle and senior management positions are prone to risks of inefficiencies, mismanagement of human resources, and lack of transparency (including towards the Agency's MB) among other;

Or. en

Amendment 13

Joachim Kuhs, Matteo Adinolfi, Dominique Bilde

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes with concern that the Agency has not ***adopted the ‘Charter on Diversity and Inclusion’***, nor it has reported on measures taken for the integration of persons with disabilities; reminds that the Union’s Charter of Fundamental Rights prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community; notes however the Agency’s commitment to address those areas through measures that will be implemented once the upcoming HR Strategy will be adopted; further observes that the Agency has taken initiatives and put in place various measures in order to improve its staff’s well-being at work and work-life balance such as targeted training courses, service level agreements with childcare providers and schools, a psychological and social support service, awareness raising campaigns, as well as free-time activities;

Amendment

19. Notes with concern that the Agency has not reported on measures taken for the integration of persons with disabilities; reminds that the Union’s Charter of Fundamental Rights prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community; notes however the Agency’s commitment to address those areas through measures that will be implemented once the upcoming HR Strategy will be adopted; further observes that the Agency has taken initiatives and put in place various measures in order to improve its staff’s well-being at work and work-life balance such as targeted training courses, service level agreements with childcare providers and schools, a psychological and social support service, awareness raising campaigns, as well as free-time activities;

Or. en