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<Commission>{LIBE}Committee on Civil Liberties, Justice and Home Affairs</Commission>

<RefProc>2019/2083(DEC)</RefProc>

<Date>{21/01/2020}21.1.2020</Date>

<TitreType>OPINION</TitreType>

<CommissionResp>of the Committee on Civil Liberties, Justice and Home Affairs</CommissionResp>

<CommissionInt>for the Committee on Budgetary Control</CommissionInt>

<Titre>on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2018</Titre>

<DocRef>(2019/2083(DEC))</DocRef>

Rapporteur for opinion: <Depute>Roberta Metsola</Depute>

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses the important role of the European Border and Coast Guard Agency (‘the Agency’), commonly referred to as Frontex, in promoting, coordinating and developing European integrated border management in full respect of fundamental rights;

2. Welcomes the fact that the Court of Auditors (‘the Court’) has declared the transactions underlying the annual accounts of the Agency for the financial year 2018 to be legal and regular in all material respects and that its financial position on 31 December 2018 is fairly presented;

3. Notes that the budget of the Agency was slightly increased to EUR 289 million (representing an increase of 2 %), of which EUR 171 million or 59 % was assigned to financing agreements with cooperating countries for operational activities; recalls the fact that the management board reduced the initial budget for 2018 by EUR 31,5 million by means of two amending budgets to respond to the lower needs linked to recruitment challenges and savings in the areas of return and operational response; recalls the fact that the objective of safer borders in the Union is essential to ensuring the security of Union citizens and of third-country nationals;

4. Stresses the fact that the Agency managed to substantially increase its staff from 526 to 630 (representing an increase of 20 %) in 2018; regrets, however, that it did not achieve the number of 760 staff authorised in the establishment plan for 2018; expresses its concern over the high staff turnover and the continuous difficulties of the Agency in finding suitable candidates; acknowledges that the low salary correction coefficient contributes to the problem and therefore welcomes the Agency’s intention to consider social measures to address the problem; reminds the Agency of the importance of adhering to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, which offer the necessary flexibility for labour market conditions prevailing in the Union to be taken into account when recruiting officials in order to address the specific needs of the institutions; notes that, also following repeated calls by Parliament, there has been a staff increase for the Fundamental Rights Officer (‘FRO’) and more recruitment is foreseen; urges the Agency to ensure that the FRO has adequate resources and staff, in particular for further developing and implementing the Agency’s strategy to monitor and ensure the protection of fundamental rights; notes that the Court has identified a horizontal trend across agencies in the use of external staff hired in IT consultancy roles; calls for the dependency on external recruitment in this important area to be addressed; notes the Agency's efforts to promote its job offers through online communication channels and calls on the Agency to publish vacancy notices on the European Personnel Selection Office website to increase their visibility;

5. Notes the continuously high level of carry-overs to 2019 (EUR 83 million or 29 %) and cancelled budget carry-overs (EUR 11 million or 12 %), which were linked to the challenges in meeting the establishment plan, the delay in the launch of the building of the new premises, the multi-annual nature of ICT projects and the overestimation of the scale and cost of activities by cooperating countries; expresses its concerns as regards the part of the budget that could not be absorbed by the Agency due to adjustments in operational deployments that occurred towards the end of financial year 2018; expects this risk to be better managed through the coming into force of Regulation (EU) 2019/1896[[1]](#footnote-1); expects the Agency and the cooperating states to improve their budget estimates with a view to decreasing carry-overs in 2019; welcomes the fact that the Agency has adopted new rules on whistleblowing, launched a new simplified financing scheme, introduced an ex post control system covering all types of expenditure and modified its system of ex ante checks; regrets, however, that since 2014 the Court has consistently reported that expenditure claimed by cooperating countries is not always supported by invoices or other evidence, but is nevertheless reimbursed; notes the steps taken by the Agency to address this issue but urges the Agency to respond adequately to the observations of the Court on the legality and regularity of transactions given that equipment-related expenditure amounted to EUR 60 million or 35 % of the Agency’s operational expenditure in 2018;

6. Calls on the Agency to apply rigorous financial management to contracts, including strengthened ex ante verifications and reintroduced ex post verifications to ensure that only substantiated costs are reimbursed, thereby avoiding a situation whereby financial resources allocated under the Union budget are not dispersed; reminds the Agency in that context that, while framework contracts do not require a purchase up to the maximum contract value, the considerable difference between the maximum value of the contract in one procurement procedure in 2018 (EUR 8 million) and the winning offer (EUR 5,8 million) could create a significant risk to sound financial management;

7. Calls on the Agency to take corrective action with regard to all outstanding observations of the Court, including the adoption and implementation of a sensitive posts policy in line with its own internal control standards;

8. Recalls the observation of the Court that, since 2015, there is an unaddressed risk of double funding from the Internal Security Fund, managed by the Commission, and Agency funding; calls, to that end, for the implementation of corrective actions without further delay;

9. Calls on the Agency to follow up on the outstanding recommendation regarding e-procurement, namely the introduction of e-submission, without delay;

10. Notes the lack of information on gender balance within the staff of the Agency; reiterates that there is a persisting significant gender imbalance on the Agency’s management board; urges that this imbalance be remedied as soon as possible; calls, therefore, on the Agency to remind Member States proactively of the importance of gender balance and calls on Member States to ensure gender balance when nominating their members to the Agency’s management board;

11. Reiterates its call on the Agency to be more transparent about its activities; welcomes the creation of a section devoted to public access to documents on its website; urges the Agency to create a register of documents, which it is legally obliged to have under Regulation (EC) No 1049/2001[[2]](#footnote-2);

12. Considers that the Agency should proactively provide information regarding its operational activities; invites the Agency to come before Parliament’s Committee on Civil Liberties, Justice and Home Affairs to fulfil its specific reporting duties towards Members of the European Parliament by providing regular detailed briefings; calls on the Agency to make the report on the practical application of Regulation (EU) No 656/2014[[3]](#footnote-3) for 2018 available, as it is legally obliged to do, and to provide more tangible information in the future to allow for a proper assessment of the Agency’s activities at sea.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| **Date adopted** | 13.1.2020 |  |  |  |
| **Result of final vote** | +:  –:  0: | 47  8  2 | | |
| **Members present for the final vote** | Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Saskia Bricmont, Damien Carême, Caterina Chinnici, Tudor Ciuhodaru, Clare Daly, Lena Düpont, Cornelia Ernst, Sylvie Guillaume, Balázs Hidvéghi, Evin Incir, Sophia in ‘t Veld, Patryk Jaki, Assita Kanko, Fabienne Keller, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Roberta Metsola, Javier Moreno Sánchez, Maite Pagazaurtundúa, Kostas Papadakis, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Sylwia Spurek, Tineke Strik, Ramona Strugariu, Tom Vandendriessche, Bettina Vollath, Ann Widdecombe, Elena Yoncheva, Javier Zarzalejos | | | |
| **Substitutes present for the final vote** | Damian Boeselager, Patrick Breyer, Delara Burkhardt, Lucia Ďuriš Nicholsonová, Monika Hohlmeier, Beata Kempa, Kris Peeters, Robert Roos, Miguel Urbán Crespo, Loránt Vincze, Petar Vitanov, Axel Voss, Maria Walsh | | | |
| **Substitutes under Rule 209(7) present for the final vote** | Lukas Mandl | | | |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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| 47 | + |
| PPE | Vladimír Bilčík, Vasile Blaga, Lena Düpont, Balázs Hidvéghi, Monika Hohlmeier, Jeroen Lenaers, Lukas Mandl, Roberta Metsola, Kris Peeters, Emil Radev, Paulo Rangel, Ralf Seekatz, Loránt Vincze, Axel Voss, Maria Walsh, Javier Zarzalejos |
| S&D | Pietro Bartolo, Delara Burkhardt, Caterina Chinnici, Tudor Ciuhodaru, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Sylwia Spurek, Petar Vitanov, Bettina Vollath, Elena Yoncheva |
| RENEW | Malik Azmani, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu |
| VERTS/ALE | Damian Boeselager, Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Terry Reintke, Tineke Strik |
| ECR | Lucia Ďuriš Nicholsonová, Patryk Jaki, Assita Kanko, Beata Kempa |

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| 8 | - |
| ID | Nicolas Bay, Tom Vandendriessche |
| ECR | Robert Roos |
| GUE/NGL | Konstantinos Arvanitis, Clare Daly, Miguel Urbán Crespo |
| NI | Kostas Papadakis, Ann Widdecombe |

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| 2 | 0 |
| ECR | Nicola Procaccini |
| GUE/NGL | Cornelia Ernst |

Key to symbols:

+ : in favour

- : against

0 : abstention

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). [↑](#footnote-ref-1)
2. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (HL L 145, 31.5.2001, p. 43). [↑](#footnote-ref-2)
3. Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (HL L 189, 27.6.2014, p. 93). [↑](#footnote-ref-3)