



**2021/2122(DEC)**

18.2.2022

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of European Asylum Support Office (now European Union Agency for Asylum) for the financial year 2020  
(2021/2122(DEC))

Rapporteur for opinion: Ramona Strugariu

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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. Welcomes the fact that the Court of Auditors ('the Court') has declared the transactions underlying the annual accounts of the European Asylum Support Office (the 'Office') for the financial year 2020 to be legal and regular in all material aspects and that its financial position at 31 December 2020 is fairly presented; notes that the Office's budget increased from 118 to EUR 149 million (an increase of 18,6%) between 2019 and 2020, while members of staff increased from 296 to 380 (an increase of 28,4%) within the same period;
2. Notes the low rate of payment appropriations (81%) and the high carry-overs of committed appropriations (EUR 8,4 million) and cancellation rate of 19%; calls on the Office to intensify its efforts regarding the respect of the implementation cycle and budget planning; understands at the same time that the legal uncertainty around the future mandate of the Office, as well as the COVID-19 pandemic had a negative impact on the implementation of the budget;
3. Notes with satisfaction the increasing occupancy rate of the Office which is expected to reach 90% at the end of 2021 and the decrease of the staff turnover to 5,73% in 2020; welcomes the downward trend in the number of interim workers compared to the total number of staff; highlights that some of the reasons underlying the dependency on interim staff was the lack of compliance by Member States with their obligations concerning the number of national experts made available to the Office, and also the delay of the adoption and entry into force of Regulation (EU) 2021/2303<sup>1</sup> (the 'Regulation') establishing a European Union Agency for Asylum ; welcomes that an agreement has been reached in this regard and that the new legal framework allows the new agency to employ remunerated experts; underlines that in order to decrease its dependency on interim staff, the Office carried out an active dialogue with the Commission; regrets that only short term solutions could be identified and that the Office was allowed to employ 58 contractual agents in 2020 only for a period of one year, until the envisaged adoption of the Regulation; notes however, that due to the delay in the adoption of the Regulation, the Office found itself in a difficult situation, as the agreement did not allow it to extend these contracts until the entry into force of the new legal framework; notes with regret a serious lack of foresight on behalf of the Commission when designing and allocating these posts to the Office; underlines that the situation created had a negative impact on the recruitment capabilities and the ability of the Office to adequately support Member States in improving the duration of procedures and reception of asylum seekers and refugees;
4. Expresses its satisfaction that the Office has acted upon and completed one outstanding recommendation of the Court, namely establishing an effective policy for managing

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<sup>1</sup> Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1.)

rented premises and related services;

5. Welcomes that the number of pending observations from previous audit reports of the Court has been halved between 2019 and 2020; notes however that 8 out of 12 recommendations still had an ongoing status; calls on the Office to comply with the Court's observations and take action in order to comply with the required legal obligations;
6. Welcomes the Office's support to Member States to address the COVID-19 challenges, such as the impact of the pandemic on specific aspects of the asylum process and resettlement, with videoconference meetings of its thematic networks; welcomes the recommendations issued on remote solutions for registration and asylum interviews; notes with appreciation the Office's pro-active roll-out plan for vaccinating asylum seekers and beneficiaries of international protection;
7. Recalls that in carrying out its operations, the Office is relatively dependent on Member States' cooperation, e.g. in terms of the number of national experts being made available as part of the Asylum Intervention Pool referred to in Article 15 of Regulation (EU) No 439/2010<sup>2</sup> establishing the Office; stresses that, according to the Court, due to the limited number of such national experts made available, the Office further relied on contracted temporary agency workers to perform operational support tasks on the ground; calls on the Member States to comply with their obligations as regards national experts in order to avoid the need for the Office to rely on external contractors;
8. Notes the pending case before the General Court as regards the procurement of hiring temporary workers in Malta; underlines that high levels of transparency should be observed in conducting all public procurement procedures within the Union agencies; calls on the Office to provide regular information to the discharge authority about the state and course of court proceedings in this case;
9. Reminds that in 2018 the Office's executive director ad interim proposed a Governance Action Plan reinforcing the Office's governance structures, and rebuilding internal capacity; notes that since then, the Office has been putting continuous efforts into strengthening its governance and its internal control system; welcomes that, according to the Court, most of the actions set out in the plan have been completed; calls on the Office to continue the Governance Action Plan, as while 51 actions had been completed, 10 actions are still pending, including filling up the vacant management posts;
10. Welcomes the detailed report of the Office's internal control system in the annual activity report which shows good insight into the state of internal control in the Office; welcomes the fact that the implementation of the internal control framework was further reinforced in 2020, by adding an ex-post controls' function, thus addressing observations made in previous years by the discharge authority; encourage the Office to continue with this practice in order to identify and implement improvements;
11. Recalls the important role that the Office fulfils in the asylum policy framework of the

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<sup>2</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132, 29.5.2010, p. 11.)

Union, assisting requesting Member States with valuable expertise and resources on the matter; welcomes the signature of a new operational support plan with Spain in 2020, bringing the total number of countries assisted by the Office to eight; stresses that the activation of this support measure marked the Office becoming fully operational in its fifth Member State Operation, the others being in Cyprus, Greece, Italy and Malta, which means that the Office is now supporting all main countries of first arrival to manage their asylum and/or reception procedures;

12. Recalls that in 2020 about 13 600 applications for asylum were lodged by unaccompanied minors in the Member States; stresses the importance of providing a specific reception system for minors that protects their condition;
13. Notes that a revised conflict of interest policy is in the final stage of inter-service consultation before its submission to the management board; calls on the Office to finalize this revised policy;
14. Welcomes the creation of the COVID-19 response team in the Office and that despite facing difficulties related to COVID-19, the Office exceeded most of its targets; however, recalls the observation of the Court that the Office has not finalised and adopted its business continuity plan, especially given the Office's size and complexity of its operations;
15. Underlines that by the end of November 2021, the Office still had three ongoing disciplinary procedures, following the report of the European Anti-Fraud Office (the 'OLAF') on the Office of 2018; appreciates the cooperation of the current management with the OLAF and its commitment to address the proposed recommendations; calls on the Office to inform the discharge authority about the completion of these proceedings;
16. Underlines that the allocation of posts, by the Commission, at a disproportionate level with respect to the requirements and tasks envisaged for a position has a negative impact on the functioning of the Office;
17. Notes with satisfaction the establishment in 2020 of the Office's Legal Affairs and Data Protection Sector (the 'LDPS') within the executive office; highlights that the LDPS contributes to ensuring a sound legal environment for the functioning of the Office, handling litigation and pre-litigation procedures and representing the Office in court proceedings;
18. Notes the gender composition of the Office's senior management with 10 men (83,3%) and 2 women (16,7%), the management board with 21 men (67,7%) and 10 women (32,3%) and staff overall with 186 men (38%) and 304 women (62 %); reminds the Member States to consider gender balance when nominating members to management board;
19. Highlights that in 2020 the Office continued to face difficulties in fulfilling certain tasks as a result of its outdated mandate, especially in terms of the legal framework and mechanisms for deployment of asylum support teams providing the support required by the Member States; welcomes the agreement reached by the co-legislators on adopting a new legal framework governing the activities of the Office and its transformation into a fully-fledged European Union Agency for Asylum;

20. Notes the Court's observations on irregular payments in 2020; highlights that these payments are related to contracts signed in 2016 and 2017; appreciates the efforts of the current management to terminate where possible or otherwise diminish the future financial impact of these past contracts;

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.2.2022
<b>Result of final vote</b>	+: 50 -: 6 0: 12
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Patrick Breyer, Saskia Bricmont, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Ralf Seekatz, Birgit Sippel, Sara Skyttedal, Vincenzo Sofo, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Malin Björk, Tanja Fajon, Daniel Freund

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

50	+
NI	Laura Ferrara, Martin Sonneborn
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Ralf Seekatz, Sara Skytvedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Tanja Fajon, Maria Grapini, Sylvie Guillaume, Evin Incir, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Alice Kuhnke, Diana Riba i Giner, Tineke Strik

6	-
ECR	Jorge Buxadé Villalba
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Marcel de Graaff
NI	Milan Uhrík

12	0
ECR	Joachim Stanisław Brudziński, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Peter Kofod, Annalisa Tardino, Tom Vandendriessche
The Left	Konstantinos Arvanitis, Malin Björk, Clare Daly, Cornelia Ernst

Key to symbols:

+ : in favour

- : against

0 : abstention