



**2021/2144(DEC)**

17.2.2022

## **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 Union  
Agency for Law Enforcement Cooperation (Europol) for the financial year  
2020  
(2021/2144(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. Underlines the important role of the European Union Agency for Law Enforcement Cooperation ('Europol') ('the Agency') in supporting Member States' criminal investigations, as well as in the prevention, response and combating of terrorism, cybercrime, crimes against the financial interest of the Union and other serious and organised forms of crime across the Union;
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 2020 to be legal and regular in all material aspects and that its financial position on 31 December 2020 is fairly presented; highlights the fact that the Agency's budget increased from EUR 169 million to EUR 183 million (+8.3%) and that its staff increased from 837 to 884 members of staff (+5.6%) compared to 2019;
3. Highlights the fact that the number of operations grew from 1 921 in 2019 to 2 315 in 2020 (+24 %) and that operational meetings funded by the Agency decreased from over 500 in 2019 to 280 in 2020 (-44%), which underlines the impact of COVID-19 on the Agency's work;
4. Underlines the fact that the continuous increase in workload and demand by the Member State authorities needs to be met by adequate levels of staff; notes that the Agency received an increase of its establishment plan by 14 temporary agent positions; calls on the Commission to engage in an active dialogue with the Agency in order to understand and meet the Agency's long term needs in terms of human resources;
5. Regrets the observation made by the Court that the Agency failed to make payments within prescribed terms as laid down in the Financial Regulation; notes with regret that late payments were issued by the Agency in 33% of the cases in 2020 and that EUR 12 000 of interest was incurred as a consequence of those late payments; notes that in 2020 the value of invoices paid late represented 3% of all payments made in 2020 (4.6% in 2019); notes that the Agency has explained this issue in the context of continued understaffing, affecting infrastructure areas in particular, including financial administration, and that this situation has been worsened by the pandemic; welcomes the mitigation actions taken by the Agency to prioritise high-value payments; notes that the Agency's reply to the Court's observations, however, does not address the structural character of late payments; calls on the Agency to identify the origin of delays connected to these payments and to increase its efforts in this area in order to avoid financial and reputational risk;
6. Notes that the Agency is addressing the 2019 Court's finding relating to the weaknesses in contract management and ex ante controls linked to the fact that the Agency irregularly prolonged again the duration of a framework contract for the provision of business travel services by signing an amendment after the contract had expired; recalls that this was a further amendment signed to the same contract in 2018 and notes that

although a new framework contract for business travel services entered in force in 2019, the Agency decided to extend the old contract; notes the Agency's reply that the decision was result of a thorough assessment to preserve business continuity and did not constitute a weakness in ex-ante controls; takes note of the Agency's commitment to have an internal audit on contract management in 2021 with a view to obtaining additional assurance on its contract management arrangements; calls on the Agency to ensure the regularity of transactions;

7. Welcomes the fact that the Agency correctly implemented the Court's recommendations regarding the minimum threshold for the technical award criterion most relevant to quality, and the checks of the accuracy of underlying prices and of the calculation of discounts applied for the non-standard items;
8. Welcomes the measures implemented by the Agency to maintain efficiency in managing procurement procedures and related activities, including placing urgent orders to cover exceptional needs required by the pandemic and amending various contracts in order to adjust the risks linked to the pandemic;
9. Notes the gender balance reported for 2020 for senior and middle management being 149 men (82,78%) and 31 women (17,22%), the management board with 42 men (79,25%) and 11 women (20,75%) and staff with 413 men (71,83%) and 162 women (28,17%); underlines that Article 10(3) of Regulation (EU) 2016/794 stipulates that the principle of a balanced gender representation on the management board shall also be taken into account; takes note that members of the management board are subject to nomination and appointment by Member State authorities; calls on the relevant national authorities to take into consideration improving the gender balance when appointing management board members; welcomes the Agency's commitment to increasing the gender balance of its staff, especially in managerial positions; notes the 5% increase in 2020 of the percentage of female members of staff in Head of Unit and equivalent or higher positions, bringing the total percentage to 21%; encourages the Agency to continue on this positive trend and further improve the gender balance in these posts;
10. Welcomes the creation of the European Financial and Economic Crime Centre to support activities of national authorities by providing operational and strategic assistance and the creation of the Europol Innovation Lab;
11. Takes note of the admonishment to the Agency by the EDPS in September 2020 for the processing of large datasets about people who have not been linked to a crime, which did not comply with Regulation (EU) 2016/794; takes note of the Action Plan sent by the Agency in response to the admonishment, outlining the measures intended to strengthen the Agency's data review activities, which was scrutinised and commented upon by the EDPS; regrets that the Agency was not able to remedy with its Action plan the requests made by the EDPS in its inquiry which started in April 2019 and covered 2020; notes that the EDPS has been in a dialogue with the Agency about this matter, following the admonishment, and that the Agency has been given 12 months to comply with the order to proceed with data subject categorisation ('DSC') for all datasets existing on the day of the EDPS decision (3 January 2022) and six months from the date of reception of new datasets; notes the Agency's stated commitment to the highest standards of data protection, noting that Regulation (EU) 2016/794 does not contain an explicit provision

regarding a maximum time period to determine the DSC; highlights that the Agency analyses large and complex datasets at the request of the Union's law enforcement authorities; takes note therefore of the provisional agreement on the new Europol mandate reached by the co-legislators which could address some of the EDPS' concerns and calls on the Agency to fully address the issue of processing data within the categories listed in Annex II under the strict timeline proposed by the EDPS; highlights that the Agency must fully comply with its fundamental rights obligations under Union law while maintaining its operational capabilities; calls on the Agency to take measures to ensure full compliance with Union transparency rules;

12. Notes with satisfaction the Agency's cooperation with other agencies, especially the European Union Agency for Criminal Justice Cooperation, the European Anti-Fraud Office, the European Agency for Law Enforcement Training, and the International Atomic Energy Agency; calls on the Agency to continue further exploring possibilities for cooperation with other agencies;
13. Welcomes the enhanced cooperation between the Agency and the European Anti-Fraud Office and the signature of a working arrangement with the Office on 8 October 2020, as well as the working arrangement establishing cooperative relations between the European Prosecutor's Office and the Agency approved in 2020;
14. Acknowledges the Agency's immediate response to the COVID-19 pandemic and the implementation of decisive measures to prevent further spread and ensure the safety of its staff;
15. Acknowledges the importance of the Agency's role in the process of the UK's withdrawal from the Union and underlines its commitment to follow up on future security cooperation;

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.2.2022
<b>Result of final vote</b>	+: 54 -: 7 0: 8
<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-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, 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, Marina Kaljurand, 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 Skytvedal, 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, Nathalie Colin-Oesterlé, Tanja Fajon, Daniel Freund

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

54	+
ECR Group	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID Group	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Peter Kofod, Annalisa Tardino, Tom Vandendriessche
NI	Laura Ferrara
PPE Group	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Ralf Seekatz, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew Group	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 Group	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Tanja Fajon, Maria Grapini, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva

7	-
ID Group	Marcel de Graaff
NI	Martin Sonneborn, Milan Uhrík
The Left Group	Konstantinos Arvanitis, Malin Björk, Clare Daly, Cornelia Ernst

8	0
S&D Group	Sylvie Guillaume
Verts/ALE Group	Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Alice Kuhnke, Diana Riba i Giner, Tineke Strik

Key to symbols:

+ : in favour

- : against

0 : abstention