



2022/2081(DEC)

1.3.2023

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 general budget of the European Union for the financial year 2021, Section III – Commission (2022/2081(DEC))

Rapporteur for opinion: Saskia Bricmont

PA_NonLeg

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. Notes that the Court of Auditors (the ‘Court’) audited spending areas comprising various policies related to migration and border management (heading 4) and security and defence (heading 5);
2. Notes that for the audited spending areas related to migration and border management, and security and defence policies, the Court chose to examine a sample of 28 transactions, which is not representative of the spending under MFF headings 4 and 5; notes that the selected sample of examined transactions does not allow the Court to provide an estimate of the error rate for these MFF headings; regrets this choice by the Court despite multiple calls from the Parliament to calculate the estimated level of error; notes the Court’s explanation that the audit scope was not designed to be representative for these headings; calls on the Court to consider further examining and extending the scope of its audit in that regard;
3. Deplores the fact that nine out of the 28 transactions examined by the Court contained quantifiable errors which had a financial impact on the amounts charged to the Union budget; highlights that such cases may have an important negative reputational impact and may eventually undermine compliance with the principles of sound financial management of Union spending; urges the Commission to address that situation and report to the discharge authority about the progress achieved; deplores that the Court only conducted checks on 25 transactions under Directorate-General for Migration and Home Affairs’ (DG HOME) responsibility, and that consequently it was unable to verify the DG HOME’s declaration of assurance against the results of its own audit work; calls on the Court to further examine and extend the scope of its audit in that regard;
4. Notes with concern that, despite the fact that Member States stepped up implementation of their national programmes in 2021, for both the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) significant amounts remain undisbursed; notes that the cumulative absorption rate of AMIF and ISF under shared management is equal to 72.54%, up from 60.75% by the end of 2020¹; calls on the Commission to step up its efforts towards assisting Member States in the effective implementation of their respective national programmes;
5. Deeply regrets that its previous calls for splitting the AMIF lines by priority has not been followed up; stresses that such splitting could help increase transparency and accountability in budget spending and therefore reiterates its call to do so;
6. Welcomes that, following the influx of displaced persons from Ukraine to the Union,

¹ Source: Commission's Annual Activity Report 2021, DG HOME
https://commission.europa.eu/system/files/2022-06/annual-activity-report-2021-migration-and-home-affairs_en_0.pdf

caused by the invasion of Ukraine on 24 February 2022, Regulation 2022/585 of 6 April 2022 extended the implementation period of the 2014-2020 Funds until 30 June 2024, providing Member States with additional flexibility to use remaining funding;

7. Notes the completion of funding from the Internal Security Fund – Borders and Visa instrument (ISF-BV); notes that the new Instrument for financial support for Border Management and Visa (BMVI) enables to support actions contributing to a strong and effective European integrated border management at the external borders;
8. Welcomes the prompt reaction to crises in 2021, notes with satisfaction that in the context of events triggered by Belarus at the EU's external border, the Commission rapidly presented proposals to suspend the Visa Facilitation Agreement with Belarus, and proposed over 240 million euros in financial support to Latvia, Lithuania and Poland, as the most affected Member States in this crisis;
9. Notes with regret that only 11 of 47 programmes declared amounts contributing to gender equality under the scores 2 or 1, amounting to only 5 % of commitments by the end of 2021; encourages the Commission to allocate more resources to promote and defend gender equality;
10. Notes that, according to the Commission 2021 Annual Activity Report, the average residual error rate across AMIF and ISF is 1.12%, well below the material threshold of 2%; welcomes that the residual error rate in grants under direct management of Directorate-General for Justice and Consumers has decreased to 1,83% (from 2.69% in 2020);
11. Notes the important amount of legislative proposals on justice and home affairs published in 2021; regrets the lack of previous impact assessment including on fundamental rights on many of those proposals; reminds the Commission of the necessity to ensure that every published proposal on justice and home affairs is accompanied by an impact assessment including on fundamental rights; notes with concern that in October 2021 a complaint was lodged before the European Ombudsman by civil society organisations about projects involving the transfer of surveillance capabilities to African Countries, which the Commission funded via its development aid fund EU Emergency Trust Fund (EUTFA); expresses deep concerns with regard to the European Ombudsman finding that this funding has been provided without a clear human rights impact assessment; regrets that the European Ombudsman has identified shortcomings in that the Commission was not able to demonstrate that the measures in place ensured a coherent and structured approach to address the human rights impacts of EUTFA projects; recalls the Ombudsman's conclusions, which found it regrettable that the EUTFA projects in question were not subject to a clear human rights impact assessment, presented either as separate document or a separate section in the action documents; notes with concern the potential risks for fundamental rights and civil liberties deriving from the use of EU-funded surveillance technologies by third countries; calls on the Commission to adopt guidelines concerning the evaluation of EU Trust Fund projects, both in Africa and elsewhere; stresses that such guidelines should require an assessment of the potential human rights impacts of projects be presented together with corresponding mitigation measures in a standalone document or as a separate, distinct section of each document;

12. Notes that by November 2021, 75% of the measures under the 2019 Commission Anti-Fraud Strategy had been implemented; calls on the Commission to continue towards the full implementation of this strategy and to continue strengthening its cooperation with the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO) towards protecting the financial interests of the Union; reminds that prevention is a key aspect in the fight against crime against the financial interests of the Union; welcomes the close cooperation between the Court and OLAF and the EPPO to protect the budget of the Union; notes that in 2021 the Court reported to OLAF 15 cases of suspected fraud (six in 2020), one of which was reported in parallel also to the EPPO, along with an additional case identified by the Court in the course of the audit work in 2021;
13. Welcomes the adoption in 2021 of the EU Strategy to tackle Organised Crime 2021-2025, setting out tools and measures to disrupt criminal organisations across borders, both online and offline; further welcomes the Commission legislative proposals of 2021 in the area of anti-money laundering and the financing of terrorism, area in which the justice and home affairs EU decentralised agencies, bodies and other institutions have a fundamental role in the implementation of the relevant EU legislation; takes note that € 65 million was spent in 2021 to fight organised crime;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| Date adopted | 1.3.2023 |
| Result of final vote | <div>+: 50</div> <div>–: 10</div> <div>0: 3</div> |
| Members present for the final vote | <p>Magdalena Adamowicz, Abir Al-Sahlani, Malik Azmani, Katarina Barley, Pietro Bartolo, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Patricia Chagnon, Caterina Chinnici, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nuno Melo, Maite Pagazaurtundúa, Karlo Ressler, Diana Riba i Giner, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Jadwiga Wiśniewska, Javier Zarzalejos</p> |
| Substitutes present for the final vote | <p>Susanna Ceccardi, Gwendoline Delbos-Corfield, Loucas Furlas, Beata Kempa, Philippe Olivier, Dragoș Tudorache, Petar Vitanov, Tomáš Zdechovský</p> |
| Substitutes under Rule 209(7) present for the final vote | <p>Gheorghe Falcă, Jean-François Jalkh, Petra Kammerevert, Marisa Matias, Martina Michels, Ljudmila Novak, Mick Wallace, Bernhard Zimniok</p> |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 50 | + |
|-----------|---|
| ECR | Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska |
| PPE | Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Gheorghe Falcă, Loucas Fourlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Ljudmila Novak, Karlo Ressler, Sara Skyttedal, Tomas Tobé, Javier Zarzalejos, Tomáš Zdechovský |
| Renew | Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom, Dragoș Tudorache |
| S&D | Katarina Barley, Pietro Bartolo, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Petra Kammerevert, Łukasz Kohut, Juan Fernando López Aguilar, Birgit Sippel, Petar Vitanov |
| Verts/ALE | Patrick Breyer, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik |

| 10 | - |
|----------|---|
| ID | Patricia Chagnon, Jean-François Jalkh, Philippe Olivier, Bernhard Zimniok |
| NI | Milan Uhrík |
| S&D | Maria Grapini |
| The Left | Clare Daly, Marisa Matias, Martina Michels, Mick Wallace |

| 3 | 0 |
|----|---|
| ID | Susanna Ceccardi, Annalisa Tardino, Tom Vandendriessche |

Key to symbols:

+ : in favour

- : against

0 : abstention