



2022/2098(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 budget of the European Asylum Support Office (now the European Union Agency for Asylum) for the financial year 2021
(2022/2098(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. 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 2021 to be legal and regular in all material aspects; notes that, according to its statement of revenue and expenditure the Office's budget increased to EUR 152.7 million (an increase of 8,5%) between 2020 and 2021, while members of staff increased from 380 to 423 (an increase of 11,3%) within the same period;
2. Welcomes the fact that several issues identified in previous years Court's observations have been addressed; regrets however that the Office has not yet remedied all the ECA's observations; stresses that, according to the Court, payments made in the 2021 financial year stem from irregular procurement procedures reported in previous years, including the rented premises in Lesbos and in Rome; notes the conclusion from the Court that subsequent payments on these contracts are irregular; encourages the Office to fully address the ongoing observations;
3. Notes that a high number of management posts are vacant and that many had been occupied by interim staff for more than one year, which is the maximum period allowed by the Union's Staff Regulations; takes note that by November 2022, three senior management members were still on interim positions, while two had occupied their posts for more than legally permitted; notes from the Office's replies that two senior management positions were under recruitment by the end of 2022; calls on the Office to fully comply with Union law provisions and refrain from prolonging ad-interim contracts for more than the maximum duration stipulated by the relevant legal provisions; recalls that one of the reasons underlying the dependency on interim staff was the delay of the adoption and entry into force of the Regulation establishing a European Union Agency for Asylum, as the agreement did not allow it to extend these contracts until the entry into force of the new legal framework; notes with regret serious lack of foresight 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, ultimately to the detriment of asylum-seekers and refugees who faced prolonged procedures and inadequate reception conditions; highlights also that these posts had been occupied on an acting basis for more than one year, at odds with the Staff Regulations and also puts strategic continuity of the Office at risk;
4. Recalls the important role that the Office fulfils in the Common European Asylum System (CEAS), assisting requesting Member States in improving the efficiency and quality of their asylum systems; further recalls that in carrying out its operations, the Office is relatively dependent on Member States' cooperation, calls on 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;
5. Welcomes the signature of two operational support plans with Lithuania and Latvia in

the third quarter of 2021, in response to the sharp increase of irregular migration flows from Belarus and the ensuing escalation in the number of asylum applications, bringing the total number of countries assisted by the Office to 8 in 2021 (Belgium, Cyprus, Greece, Italy, Latvia, Lithuania, Malta and Spain);

6. Expresses concern about the accusations of misconduct on staff-related irregularities caused by the Office's senior management, brought to the attention of OLAF and the EU institutions through an anonymous complaint in September 2022; is deeply concerned about the seriousness of the aforementioned allegations that include claims of unlawful, opaque or partial recruitment and promotion of senior management members, allegations of harassment or mismanagement of funds relating to missions of Office staff; requests that allegations of misconduct are thoroughly checked and investigated; is further concerned about the opening of an investigation by OLAF; calls on the Office to ensure the full and sincere cooperation with OLAF throughout all stages of the investigation and to regularly report to the European Parliament about the progress of the state and outcome of the investigation; underlines that that two recommendations from the Internal Audit Service audit on HR management and ethics, rated 'important' and referring to the recruitment process and anti-harassment policy, were implemented after the release of the 'whistleblower' note; welcomes the IAS conclusion of 15 November that those recommendations had been adequately and effectively implemented;
7. Regrets that the Office has not updated its policy for the management and prevention of conflict of interest as was recommended by the Court in 2020;
8. Stresses the impact of the Russian war against Ukraine on the activities of EASO and the fact that EASO had to request additional human and financial resources to face the increased demand for assistance from Member States; commends in this regard the prompt actions taken by the Office to support Member States in the implementation of the Temporary Protection Directive, as well as the deployment of a number of staff in the Republic of Moldova, assisting voluntary transfers to Member States and providing useful relevant information to asylum seekers arriving from Ukraine; calls on the Commission to improve its reaction capacity to such situations and allocate in time the necessary resources to respond to such events; underlines the fact that the lack of human resources in 2022 limited the ability to perform some of the tasks of the new mandate of the Office, and that the financial effects of the Russian war against Ukraine cannot be reliably estimated;
9. Welcomes the new updated COI Research Guide on the situation of LGBTIQ persons published in November 2021, which may assist lawyers, legal aid providers and judges working in the asylum procedure;
10. Notes the fact that in 2021, the commitment appropriations and the payment appropriations levels were 97% and 91% respectively;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.3.2023
Result of final vote	+: 57 -: 5 0: 2
Members present for the final vote	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
Substitutes present for the final vote	Susanna Ceccardi, Gwendoline Delbos-Corfield, Loucas Furlas, Beata Kempa, Philippe Olivier, Dragoș Tudorache, Petar Vitanov, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Gheorghe Falcă, Jean-François Jalkh, Petra Kammerevert, Marisa Matias, Martina Michels, Ljudmila Novak, Stanislav Polčák, Mick Wallace, Bernhard Zimniok

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

57	+
ECR	Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Tom Vandendriessche
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Gheorghe Falcă, Loucas Fourlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Ljudmila Novak, Stanislav Polčák, 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, Dragoş Tudorache
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Petra Kammerevert, Łukasz Kohut, Juan Fernando López Aguilar, Birgit Sippel, Petar Vitanov
The Left	Clare Daly, Marisa Matias, Martina Michels, Mick Wallace
Verts/ALE	Patrick Breyer, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

5	-
ID	Patricia Chagnon, Jean-François Jalkh, Philippe Olivier, Bernhard Zimniok
NI	Milan Uhrík

2	0
ID	Susanna Ceccardi, Annalisa Tardino

Key to symbols:

+ : in favour

- : against

0 : abstention