



**2021/2146(DEC)**

19.1.2022

# **AMENDMENTS**

## **1 - 48**

**Draft opinion**  
**Ramona Strugariu**  
(PE702.934v01-00)

2020 discharge : European Border and Coast Guard Agency  
(2021/2146(DEC))



**Amendment 1**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph -1 (new)**

*Draft opinion*

*Amendment*

**-1. Stresses that the European Border and Coast Guard Agency (the 'Agency') is by large the agency that has been receiving more significant budget increases in the last years; recalls that the budget of the Agency skyrocketed from EUR 118 million in 2011 to EUR 460 million in 2020, and to an annual average of EUR 900 million for the 2021-2027 period; considers that this represents a disproportionate unbalance compared to other bodies, offices and agencies in the area of justice and home affairs;**

Or. en

**Amendment 2**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

1. Welcomes the fact that the Court of Auditors (the 'Court') has declared the transactions underlying the annual accounts of the European Border and Coast Guard Agency (the 'Agency') for the financial year **2019** to be legal and regular in all material aspects; **notes** that the budget of the Agency was increased from EUR 446 million to EUR 495 million (+ 11 %); takes note of the increase in the Agency's staff in 2020 from 749 to 1 234 (+ 64,8 %);

1. Welcomes the fact that the Court of Auditors (the 'Court') has declared the transactions underlying the annual accounts of the European Border and Coast Guard Agency (the 'Agency') for the financial year **2020** to be legal and regular in all material aspects; **regrets** that the budget of the Agency was increased from EUR 446 million to EUR 495 million (+ 11 %); takes note of the increase in the Agency's staff in 2020 from 749 to 1 234 (+ 64,8 %);

Or. en

**Amendment 3**  
**Malin Björk**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. **Welcomes** the fact that the Court of Auditors (the ‘Court’) has declared the transactions underlying the annual accounts of the European Border and Coast Guard Agency (the ‘Agency’) for the financial year 2019 to be legal and regular in all material aspects; notes that the budget of the Agency was increased from EUR 446 million to EUR 495 million (+ 11 %); takes note of the increase in the Agency's staff in 2020 from 749 to 1 234 (+ 64,8 %);

*Amendment*

1. **Notes** the fact that the Court of Auditors (the ‘Court’) has declared the transactions underlying the annual accounts of the European Border and Coast Guard Agency (the ‘Agency’) for the financial year 2019 to be legal and regular in all material aspects; notes that the budget of the Agency was increased from EUR 446 million to EUR 495 million (+ 11 %); takes note of the increase in the Agency's staff in 2020 from 749 to 1 234 (+ 64,8 %);

Or. en

**Amendment 4**  
**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

**1 a. Notes that the Union funding to the Agency increased by EUR 10 million by means of Amending budget No 1/2020; deplores that that amount was not visible in the budgetary accounts of the Agency, which reduces transparency; emphasises the need to keep transparency as a priority;**

Or. en

**Amendment 5**  
**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1 b. Regrets that the Agency made an ex-post budgetary commitment to cover for two previously unannounced return operations from a national authority's totaling EUR 355 000 EUR, in violation of the Agency's financial regulation;***

Or. en

**Amendment 6**  
**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

**Draft opinion**  
**Paragraph 1 c (new)**

*Draft opinion*

*Amendment*

***1 c. Reiterates that the increased competences and budget of the Agency need to be accompanied with a corresponding increase in accountability and transparency; stresses that the granting of discharge in respect of the implementation of the budget of the Agency is conditional on such accountability and transparency, and especially on the Agency's commitment to comply with Union law;***

Or. en

**Amendment 7**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

2. ***Notes*** the ongoing actions of the

2. ***Welcomes*** the ongoing actions of

Agency on the observations of the Court; calls on the Agency to continue undertaking corrective actions, including the adoption and implementation of a sensitive posts policy in line with its own internal control standards, drafting a business continuity plan and obtaining the approval of its management board, addressing the risk of double funding from the Internal Security Fund and addressing the level of carry-overs; ***calls on*** the Agency to ***step up its efforts into reaching*** the required ***occupancy levels laid down in the staff*** establishment plan; welcomes the corrective steps taken by the Agency to address the issue of reimbursements to cooperating countries without the necessary supporting documentation;

the Agency on the observations of the Court; ***notes that the Agency has created an action plan to address identified shortcomings***; calls on the Agency to continue undertaking corrective actions, including the adoption and implementation of a sensitive posts policy in line with its own internal control standards, drafting a business continuity plan and obtaining the approval of its management board, addressing the risk of double funding from the Internal Security Fund and addressing the level of carry-overs; ***acknowledges the actions taken by*** the Agency to ***achieve*** the required ***clarity on its*** establishment plan ***and the pressing nature of the required recruitments***; welcomes the corrective steps taken by the Agency to address the issue of reimbursements to cooperating countries without the necessary supporting documentation; ***calls on the Agency to inform the discharge authority about the progress made on those matters***;

Or. en

## **Amendment 8** **Malin Björk**

### **Draft opinion** **Paragraph 2**

#### *Draft opinion*

2. Notes the ongoing actions of the Agency on the observations of the Court; calls on the Agency to continue undertaking corrective actions, including the adoption and implementation of a sensitive posts policy in line with its own internal control standards, drafting a business continuity plan and obtaining the approval of its management board, addressing the risk of double funding from the Internal Security Fund and addressing the level of carry-overs; calls on the Agency to step up its efforts into reaching the required occupancy levels laid down in

#### *Amendment*

2. Notes the ongoing actions of the Agency on the observations of the Court; calls on the Agency to continue undertaking corrective actions, including the adoption and implementation of a sensitive posts policy in line with its own internal control standards, drafting a business continuity plan and obtaining the approval of its management board, addressing the risk of double funding from the Internal Security Fund and addressing the ***high*** level of carry-overs; calls on the Agency to step up its efforts into reaching the required occupancy levels laid down in

the staff establishment plan; welcomes the corrective steps taken by the Agency to address the issue of reimbursements to cooperating countries without the necessary supporting documentation;

the staff establishment plan; welcomes the corrective steps taken by the Agency to address the issue of reimbursements to cooperating countries without the necessary supporting documentation;

Or. en

## **Amendment 9**

**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

### **Draft opinion**

#### **Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2 a. Welcomes the establishment and operationalisation of the Agency's transparency register, thus addressing Parliament's recommendation from the 2019 discharge resolution;***

Or. en

## **Amendment 10**

**Malin Björk**

### **Draft opinion**

#### **Paragraph 3**

*Draft opinion*

*Amendment*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; reiterates the concern on the findings of the Court in its special report 08/2021 entitled 'Frontex's support to external border management: not sufficiently effective to

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency ***over allegations of harassment, misconduct and migrant pushbacks***; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; ***recalls that on 15 June 2021, the Ombudsman concluded that there had been delay on***

date'; further recalls of the outcome of the Parliament's Frontex Scrutiny Working Group **and** the conclusions of the 13 internal inquiries by **its** management board; welcomes the Agency's report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

***the part of the Agency in implementing the important changes introduced by Regulation (EU) 2019/1896<sup>1a</sup>; notes that based on the inquiry, the Ombudsman issued nine suggestions for improvement to the Agency; reiterates the concern on the findings of the Court in its special report 08/2021 entitled 'Frontex's support to external border management: not sufficiently effective to date'; recalls that this report revealed that the Agency's activities were not sufficiently developed to provide an effective support to Member States and Schengen associated countries and that the Agency did not provide information about the impact or cost of its activities; further recalls of the outcome of the Parliament's Frontex Scrutiny Working Group, which has identified deficiencies – among others – in the Agency's mechanisms to monitor, report and assess fundamental rights situations, and has made recommendations for improvement; highlights the personal responsibility of the executive director in relation to those deficiencies; recalls also the conclusions of the 13 internal inquiries by the management board of the Agency; welcomes the Agency's report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls **urgently** on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;***

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***<sup>1a</sup> 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).***



**Amendment 11**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; **reiterates the concern on** the findings of the Court in its special report 08/2021 entitled ‘Frontex's support to external border management: not sufficiently effective to date’; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group and the conclusions of the 13 internal inquiries by its management board; **welcomes** the Agency’s report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

*Amendment*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency **over allegations of harassment, misconduct and migrant pushbacks; further recalls the unprecedented examination of human rights violations at Union borders**; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the **effectiveness and transparency of the** complaints mechanism of the Agency and on **the role and independence of the fundamental rights officer, as well as into** the compliance by the Agency with its fundamental rights obligations **and its ability to ensure accountability; recalls that the Ombudsman’s first inquiry was followed by nine suggestions for improvement to the Agency, including suggestions on how to make it easier for potential victims of fundamental rights violations to be aware of redress possibilities and to report incidents; notes** the findings of the Court in its special report 08/2021 entitled ‘Frontex's support to external border management: not sufficiently effective to date’, **but remains concerned that the work of the Agency beyond Union borders remains barely scrutinised**; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group and the conclusions of the 13 internal inquiries by its management board; **regrets that** the Agency’s report on the implementation of the conclusions of the extraordinary

management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits *is not published*; notes that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

Or. en

## Amendment 12 Peter Kofod

### Draft opinion Paragraph 3

#### *Draft opinion*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; reiterates the concern on the findings of the Court in its special report 08/2021 entitled ‘Frontex’s support to external border management: not sufficiently effective to date’; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group *and* the conclusions of the 13 internal inquiries by its management board; welcomes the Agency’s report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls on the Agency to take all

#### *Amendment*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation on the Agency; underlines that the outcome of the investigation was still pending by early December 2021; reminds that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; *notes that following those inquiries no instances of maladministration were found and no further inquiries were justified*; reiterates the concern on the findings of the Court in its special report 08/2021 entitled ‘Frontex’s support to external border management: not sufficiently effective to date’; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group *which found no evidence of the Agency’s involvement in any violation of human rights, as well as* the conclusions of the 13 internal inquiries by its management board; welcomes the Agency’s report on the implementation of the conclusions of the extraordinary

necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

Or. en

### **Amendment 13** **Tomáš Zdechovský**

#### **Draft opinion** **Paragraph 3**

##### *Draft opinion*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation *on* the Agency; ***underlines that the outcome of the investigation was still pending by early December 2021; reminds*** that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; ***reiterates the concern on*** the findings of the Court in its special report 08/2021 entitled ‘Frontex's support to external border management: not sufficiently effective to date’; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group and the conclusions of the 13 internal inquiries by its management board; welcomes the Agency’s report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing

##### *Amendment*

3. Recalls of the fact that the European Anti-Fraud Office has initiated an investigation ***in 2019 involving*** the Agency; ***notes*** that the Ombudsman conducted two own-initiative inquiries into the complaints mechanism of the Agency and on the compliance by the Agency with its fundamental rights obligations; ***notes that, according to the Agency’s reply, it is fully committed to and cooperates closely with the Ombudsman, as well as with the European Anti-Fraud Office and Parliament, on fundamental rights matters; notes*** the findings of the Court in its special report 08/2021 entitled ‘Frontex's support to external border management: not sufficiently effective to date’; further recalls of the outcome of the Parliament’s Frontex Scrutiny Working Group and the conclusions of the 13 internal inquiries by its management board; welcomes the Agency’s report on the implementation of the conclusions of the extraordinary management board meeting of 6 October 2021 which reflects the 71 recommendations received from the aforementioned reports and audits; notes

all the remaining recommendations and to report to the discharge authority over the progress achieved;

that the Agency implemented 59 of those actions; calls on the Agency to take all necessary measures towards implementing all the remaining recommendations and to report to the discharge authority over the progress achieved;

Or. en

**Amendment 14**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3 a. Notes that Parliament's Frontex Scrutiny Working Group (FSWG) "did not find conclusive evidence on the direct performance of pushbacks and/or collective expulsions by Frontex in the serious incident cases that could be examined by the FSWG", but concluded "that the Agency found evidence in support of allegations of fundamental rights violations in Member States with which it had a joint operation, but failed to address and follow-up on these violations promptly, vigilantly and effectively"; notes that the "Agency also failed to adequately respond to internal observations about certain cases of probable fundamental rights violations in Member States" and "that Frontex generally disregarded" reports from "several reliable actors"; notes that the FSWG "found deficiencies in Frontex's mechanisms to monitor, report and assess fundamental rights situations and developments, and makes concrete recommendations for improvement", but "also identified gaps in the framework of cooperation with Member States, which may hamper the fulfilment of Frontex's fundamental rights obligations"; notes that the FSWG expressed concern "about the lack of cooperation of the Executive***

*Director to ensure compliance with some of the provisions of the EBCG Regulation, notably on fundamental rights"; notes that the "FSWG takes the position that the Management Board should have played a much more proactive role in acknowledging the serious risk of fundamental rights violations and in taking action to ensure that Frontex fulfils its negative and positive fundamental rights obligations as enshrined in the Regulation"; notes that the FSWG welcomes the new internal procedures and rules developed by the Agency in the months preceding the report to comply with the Regulation but urges the executive director and the management board "to further increase the fundamental rights compliance of the Agency by reconsidering its internal structures and communication, as well as the cooperation with the host Member States"; notes that the FSWG "highlights the responsibility of the Member States and the Commission, outside their role in the Management Board as well";*

Or. en

**Amendment 15**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors;

*Amendment*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors;

regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors **and recalls** that this poses a serious risk to operations and reputation of the Agency; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the **remaining** fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020 **and that none of the monitors had been appointed back then**; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors; **agrees with the Court opinion** that this poses a serious risk to operations and reputation of the Agency; **deeply deplors the fact that that despite repeated calls of Parliament and a significant overall staff increase for the Agency, the fundamental rights officer still lacks adequate human resources and is therefore clearly hampered to properly conduct the tasks that he is entrusted with**; **urges the Agency to provide its fundamental rights officer with adequate resources and staff, in particular in relation to further developing and implementing the Agency's strategy to monitor and ensure the protection of fundamental rights**; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the **remaining** fundamental rights monitors **and preparing the legal and operational framework for their deployment on the ground**; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021; **reminds the Agency of the importance of adhering to the Staff Regulations**;

Or. en

**Amendment 16**  
**Peter Kofod**

**Draft opinion**

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## Paragraph 4

### *Draft opinion*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, ***namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;***

### *Amendment*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019;

Or. en

## Amendment 17 Charlie Weimers

### Draft opinion Paragraph 4

### *Draft opinion*

### *Amendment*

4. ***Welcomes*** the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; ***regrets*** the fact that 15 of those appointments were made at AST level; ***reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors;*** (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

4. ***Notes*** the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; ***notes*** the fact that 15 of those appointments were made at AST level; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

Or. en

**Amendment 18**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Welcomes the Agency's efforts following Parliament's ***resolution of 29 April 2021 with observations forming an integral part of the decision on*** discharge

*Amendment*

4. Welcomes the Agency's efforts following ***the*** Parliament's ***recommendations made in the first and the second discharge report for the***



*in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;*

*financial year 2019; recalls the conditions formulated in the second discharge report of the Agency for the financial year 2019 for release of a budgetary reserve; reminds that the reserve has not been made in the budget of the Agency for 2022; ask nevertheless the Agency to inform the discharge authority on the progress made towards fulfilling the six conditions formulated in that report;*

Or. en

**Amendment 19**  
**Malin Björk**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the

*Amendment*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the

fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; regrets the fact that 15 of those appointments were made at AST level; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors and to appoint them at AD level; deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency; ***notes that Parliament has been calling for years for those posts to be filled as soon as possible in order to comply with the legal obligation set out in Regulation (EU) 2019/1896; underlines that the executive director of the Agency declared in front of Parliament's Committee on Civil Liberties, Justice and Home Affairs that those posts would be filled before the end of 2021;*** welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

Or. en

## **Amendment 20** **Nadine Morano**

### **Draft opinion** **Paragraph 4**

#### *Draft opinion*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an

#### *Amendment*

4. Welcomes the Agency's efforts following Parliament's resolution of 29 April 2021 with observations forming an

integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; ***regrets the fact that 15 of those appointments were made at AST level;*** reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors ***and to appoint them at AD level;*** ***deeply regrets the delay in the recruitment of the fundamental rights monitors and recalls that this poses a serious risk to operations and reputation of the Agency;*** welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2019, namely: (1) the recruitment of the fundamental rights officer, who took office on 1 June 2021, and the appointment of the first 20 fundamental rights monitors; reiterates that Regulation (EU) 2019/1896 provides for the recruitment of at least 40 fundamental rights monitors by 5 December 2020; urges the Agency to swiftly recruit the remaining 20 fundamental rights monitors; welcomes the cooperation between the Agency and the European Union Agency for Fundamental Rights towards completing the recruitment of the reminding fundamental rights monitors; (2) the appointment of the three deputy executive directors in 2021; and (3) the update of the Standard Operating Procedure for Serious Incident Reporting in May 2021;

Or. fr

## **Amendment 21**

**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

### **Draft opinion**

#### **Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4 a. Regrets that the Agency upgraded 47 AST posts to grade AD7 or higher, without the legal authority to do so and the subsequent need to withdraw the 47 job offers, which exposed the Agency an unnecessary risk of reputational damage and litigation; reiterates the importance of***

*the principle of legality in conducting all administrative and operational activities; recalls however that the allocation of posts at the appropriate grade is essential for the optimal functioning of the Agency; calls on the Commission to engage into an active dialogue with the Agency over upcoming establishment plans, taking into consideration the specifics of the operational nature of the Agency and ensure that future posts are allocated at the appropriate grade corresponding to the post requirements;*

Or. en

**Amendment 22**  
**Malin Björk**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

*4 a. Notes the legal actions against the Agency initiated at the Court of Justice of the European Union; notes further that one action brought in May 2021 was brought on behalf of two asylum-seekers - an unaccompanied minor and a woman - who were violently rounded up, assaulted, robbed, abducted, detained, forcibly transferred back to sea, collectively expelled, and ultimately abandoned on rafts with no means of navigation, food or water; is shocked that the applicants were also victims of other pushback operations during their attempts to seek protection in the Union; notes that another action was brought in October 2021 on behalf of a Syrian family that was returned from Greece to Turkey on a flight operated by the Agency and the Greek authorities;*

Or. en

**Amendment 23**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4 a. Notes with concern that, according to the Court, Amending budget No 1/2020, which increased the Union funding to the Agency by EUR 10 million and was adopted by the budgetary authority in April 2020, is not visible in the Agency's budgetary accounts; agrees with the Court opinion that this reduces transparency as it makes it harder to see how much Union funding was available to the Agency in 2020 and how that amount changed over time;**

Or. en

**Amendment 24**  
**Malin Björk**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4 b. Expresses serious concerns regarding the fact that an interpreter employed by the Agency was assaulted by Greek border guards in Greece alongside at least hundred third-country nationals and was then forced, together with other persons, across the border into Turkey; highlights that this episode is another credible evidence of the systematic violations of fundamental rights that occur in Greece and should lead the Agency to suspend its operations in accordance with Article 46 of Regulation (EU) 2019/1896; expresses serious concerns at the numerous serious incident reports reporting violations of fundamental rights in Greece and**

*Lithuania and the absence of appropriate actions taken by the executive director to address those violations, including by following all the recommendations of the fundamental rights officer and suspending operations in line with Article 46 of Regulation (EU) 2019/1896;*

Or. en

**Amendment 25**  
**Nadine Morano**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

**5. Calls on the Agency to swiftly adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;**

*deleted*

Or. fr

**Amendment 26**  
**Charlie Weimers**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

**5. Calls on the Agency to swiftly adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to**

*deleted*

*suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;*

Or. en

**Amendment 27**  
**Peter Kofod**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Calls on the Agency to *swiftly adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;*

*Amendment*

5. Calls on the Agency to *carry on with its support to the Member States in protecting the external borders;*

Or. en

**Amendment 28**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Calls on the Agency to swiftly adopt a detailed procedure for the

*Amendment*

5. *Recalls that the Agency is mandated to control borders while*

implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;

*ensuring that border controls are conducted in accordance with the fundamental rights applicable in the Union, including those enshrined in the Convention relating to the Status of Refugees, Regulation (EU) 2016/399<sup>1a</sup> and Regulation (EU) 2019/1896; calls on the Agency to swiftly adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;*

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*<sup>1a</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77 23.3.2016, p. 1).*

Or. en

**Amendment 29**  
**Malin Björk**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Calls on the Agency to *swiftly* adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive

*Amendment*

5. *Regrets that it has to be repeated and* calls on the Agency to *immediately* adopt a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian



2008/115/EC and the Charter of Fundamental Rights of the European Union;

authorities are incompatible with Directive 2008/115/EC and the Charter of Fundamental Rights of the European Union;

Or. en

**Amendment 30**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. ***Calls*** on the Agency to swiftly adopt a detailed procedure ***for*** the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC ***and the Charter of Fundamental Rights of the European Union***;

*Amendment*

5. ***Expects*** on the Agency to swiftly adopt a detailed procedure ***setting out different steps of*** the implementation of Article 46 of Regulation (EU) 2019/1896 and to suspend the Agency's operations supporting return-related operations from Hungary as long as, and as concluded by the Court of Justice of the European Union, the return decisions issued by the Hungarian authorities are incompatible with Directive 2008/115/EC; ***calls on the Commission to support the Agency in that regard***;

Or. en

**Amendment 31**  
**Charlie Weimers**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

***5 a. Welcomes any and all evaluations, inquiries and investigations into the performance and effectiveness of the Agency in its coordinating role relating to Member States' implementation of border controls and border management; rejects the unprecedented trend of politically***

*motivated investigations into the Agency's activities; considers it imperative to evaluate how much time is spent by the Agency's management and staff dealing with compliance, internal control and fundamental rights related issues;*

Or. en

**Amendment 32**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Acknowledges that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 *since that would require a specific audit in view of the complexity of the matter*; asks the Court to carry out *such* a specific audit *in the future*; calls the Agency to swiftly implement recommendation 5 of the Court's special report, respecting the indicated timeline set out therein.

*Amendment*

6. Acknowledges that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 *entitled 'Frontex' support to external border management: not sufficiently effective to date*'; asks the Court to carry out a specific audit *about the Agency's activities regarding the respect for and the protection of fundamental rights in future reports*; calls the Agency to swiftly implement recommendation 5 of the Court's special report, respecting the indicated timeline set out therein.

Or. en

**Amendment 33**  
**Charlie Weimers**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. *Acknowledges* that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 since

*Amendment*

6. *Notes* that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 *entitled 'Frontex's support*

that would require a specific audit in view of the complexity of the matter; ***asks the Court to carry out such a specific audit in the future; calls the Agency to swiftly implement recommendation 5 of the Court's special report, respecting the indicated timeline set out therein.***

***to external border management: not sufficiently effective to date'*** since that would require a specific audit in view of the complexity of the matter.

Or. en

**Amendment 34**  
**Peter Kofod**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Acknowledges that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 ***since that would require a specific audit in view of the complexity of the matter; asks the Court to carry out such a specific audit in the future***; calls the Agency to swiftly implement recommendation 5 of the Court's special report, respecting the indicated timeline set out therein.

*Amendment*

6. Acknowledges that an analysis of respect for fundamental rights by the Agency was not included in the scope of the Court's special report 08/2021 ***and accepts that it is not within its framework***; calls the Agency to swiftly implement recommendation 5 of the Court's special report, respecting the indicated timeline set out therein.

Or. en

**Amendment 35**  
**Ramona Strugariu, Michal Šimečka, Olivier Chastel**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

***6 a. Reiterates that there is a persisting significant gender imbalance in Agency's management board; underlines that the responsibility of nominating members of the Agency's management board lies with national authorities; calls, therefore, on***

*Amendment*

*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 Agency's management board; urges that that imbalance be addressed and remedied as soon as possible;*

Or. en

**Amendment 36**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6 a.** *Recalls that the Progress Lawyers Network, Front-LEX and the Greek Helsinki Monitor have submitted a legal action against the Agency before the Court of Justice of the European Union on behalf of two asylum seekers who had been victims of pushback operations during their attempts to seek protection in the Union; underlines that this is the first time that the Agency is being taken to the Court of Justice of the European Union over human rights violations;*

Or. en

**Amendment 37**  
**Charlie Weimers**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6 a.** *Expresses admiration, respect and full understanding for Member States' who, when faced with hybrid warfare operations in which migrants are*

*deployed as human ammunition, do not see any added value in inviting the Agency and its fundamental rights monitors to monitor sensitive operations with national security implications;*

Or. en

**Amendment 38**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6 a.** *Notes the Court's remark that in one case a national authority conducted two unannounced return operations, costing EUR 355 000 overall, which resulted in a sudden budgetary deficit for the Agency; notes that as a result, the Agency was forced to make an ex-post budgetary commitment, contravening its financial regulation;*

Or. en

**Amendment 39**  
**Malin Björk**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6 a.** *Requests Parliament's Committee on Budgetary Control, as the committee responsible, to postpone its decision on granting the executive director of the Agency discharge until the investigation of the European Anti-Fraud Office is completed;*

Or. en

**Amendment 40**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6 a. Remains concerned that the weaknesses identified in the Court's special report 08/2021 remain present;**

Or. en

**Amendment 41**  
**Saskia Bricmont**

**Draft opinion**  
**Paragraph 6 b (new)**

*Draft opinion*

*Amendment*

**6 b. Regrets that the 2019 discharge was granted to the Agency despite the recommendation of Parliament's Committee on Civil Liberties, Justice and Home Affairs to the contrary; reminds that the increased competences and budget for the Agency need to be accompanied by a corresponding increase in accountability and transparency, as well as full respect for and protection of fundamental rights; stresses that the granting of discharge in respect of the implementation of the budget of the Agency is conditional on such accountability, transparency and fundamental rights compliance, especially on the Agency's commitment to Union law;**

Or. en

**Amendment 42**

Caterina Chinnici

**Draft opinion**  
**Paragraph 6 b (new)**

*Draft opinion*

*Amendment*

**6 b.** *Is disappointed that the Agency is still unable to fulfil the requirement of Regulation (EU) 2019/1896, which provided for the recruitment of at least 40 fundamental rights monitors by December 2020; regrets the fact that the Agency has also still not established a detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896; emphasises that Parliament has raised those concerns already on many occasions with the Agency, including in the context of the 2019 discharge procedure;*

Or. en

**Amendment 43**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 6 b (new)**

*Draft opinion*

*Amendment*

**6 b.** *Welcomes that the Agency has adopted a new process to increase transparency and equal opportunities by streamlining industry dialogues; calls on the Agency to comply with the highest standards of transparency and to have transparency register up-to-date;*

Or. en

**Amendment 44**  
**Tomáš Zdechovský**

**Draft opinion**

**Paragraph 6 c (new)**

*Draft opinion*

*Amendment*

**6 c. *Note's the Court's remark that the Agency asked the Commission on 1 September 2020 for permission to upgrade 100 AST posts into advanced-level posts (AD7 or higher); notes that the Agency, in anticipation of the Commission's reply, on 9 September 2020 sent out 47 offers to advanced-level candidates which consequently had to be withdrawn because the Agency did not have legal authority for such an action; calls on the Agency to ensure principle of legality in all its activities; calls on the Agency and the Commission to improve mutual communication in order to avoid such a situation in the future;***

Or. en

**Amendment 45  
Saskia Bricmont**

**Draft opinion  
Paragraph 6 c (new)**

*Draft opinion*

*Amendment*

**6 c. *Recommends, on the facts available, that Parliament's Committee on Budgetary Control postpones granting discharge in respect of the implementation of the Agency's budget for the financial year 2020, until the Agency provides Parliament with an action plan to address the concerns expressed in this opinion, including its legal obligation to recruit 40 fundamental rights monitors able to fulfil the tasks set out in Article 110 of Regulation (EU) 2019/1896, and until the investigation of the European Anti-Fraud Office is completed;***

Or. en



**Amendment 46**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 6 c (new)**

*Draft opinion*

*Amendment*

**6 c. Considers that concerns regarding compliance with fundamental rights obligations have not been allayed; notes, in that regard, that the Agency continues to carry out returns from Hungary, despite the ruling of the Court of Justice of the European Union that such returns are incompatible with the Charter of Fundamental Rights of the European Union; notes, moreover, the assessment of the Agency's own fundamental rights officer that the Agency's role in supporting Member States implicated the Agency to some extent in their actions;**

Or. en

**Amendment 47**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 6 d (new)**

*Draft opinion*

*Amendment*

**6 d. Reiterates that the significant increase in competences and budget which the Agency has seen in recent years must be accompanied by a corresponding increase in accountability and transparency; stresses that the granting of discharge in respect of the implementation of the Agency's budget is conditional on such accountability and transparency, and especially on the Agency's commitment to Union law; stresses in that context the need for a full clarification of the alleged violations of**

*fundamental rights at the external borders;*

Or. en

**Amendment 48**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 6 d (new)**

*Draft opinion*

*Amendment*

***6 d. Notes the gender balance reported for 2020 at senior management level with 15 men (75 %) and 5 women (25%) and at the level of the management board with 50 men (83,3 %) and 10 women (16,7 %); notes that the staff overall is composed of 870 men (70,5 %) and 364 women (29,5 %); reminds the Member States to consider gender balance when nominating members to the management board;***

Or. en