RESOLUTION (EU) 2021/1600 OF THE EUROPEAN PARLIAMENT

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 Food Safety Authority for the financial year 2019

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2019,

— having regard to its resolution of 16 January 2019 on the Union's authorisation procedure for pesticides ([1]),

— having regard to Rule 100 of and Annex V to its Rules of Procedure,

— having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,

— having regard to the report of the Committee on Budgetary Control (A9-0097/2021),

A. whereas, according to its statement of revenue and expenditure ([2]), the final budget of the European Food Safety Authority (the 'Authority') for the financial year 2019 was EUR 80 736 785,59, representing an increase of 1,96 % compared to 2018; whereas the Authority's budget derives mainly from the Union budget ([3]);

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Authority for the financial year 2019 (the 'Court's report'), states that it has obtained reasonable assurance that the Authority's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that the budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,99 %, representing a slight decrease of 0,01 % compared to 2018; notes, furthermore, that the payment appropriations execution rate was at 91,45 %, representing a slight increase of 0,15 % compared to 2018;

2. Invites the Commission to grant the Authority, in duly justified cases, a set of means to use their budget in the most impactful way which would, inter alia, include the option of hiring contract agents in excess of the establishment plans, for a limited period of time and without exceeding the Authority's agreed annual budget envelope; considers that such flexibility would allow an acceleration of the recovery of the cumulated backlog of increased work in different areas, mainly due to a big gap in human resource capacity;

Performance

3. Notes that the Authority uses key performance indicators (KPIs) in its comprehensive performance-based management approach to measure the added value provided by its activities, especially concerning the sharing of scientific information; notes furthermore that the Authority uses other KPIs to enhance its budget management; notes that no indicators were deleted or added in 2019;

4. Notes with satisfaction the good results achieved by the Authority in terms of social media presence and that more than 500 questions on regulated products were addressed in 2019;

5. Notes that the Authority carried out an external evaluation in 2020, in the context of the development of a new Strategy 2027, to assess the level of implementation of the current strategy and to ensure that additional initiatives are integrated;

6. Encourages the Authority to pursue the digitalisation of its services, as a way to reduce bureaucracy;

([1]) Texts adopted, P8_TA(2019)0023.
([2]) OJ C 107, 31.3.2020, p. 245.
([3]) OJ C 107, 31.3.2020, p. 245.

7. Notes with satisfaction that the Authority shares resources and activities with the European Chemicals Agency, the European Environment Agency, the European Medicines Agency and the European Centre for Disease Prevention and Control within the same policy cluster, under the guidance of the Directorate-General for Health and Food Safety, the Directorate-General for Environment and the Directorate General for Informatics; notes that the Authority has been actively participating in the European Union Agencies Network initiative on shared services identification, implementation and monitoring, which also led to a number of joint activities and projects, particularly in the area of joint procurement; strongly encourages the Authority to actively seek further and broader cooperation with the Union agencies;

8. Notes with concern that the Authority, as one of the Union regulatory agencies responsible for risk assessment of regulated products, does not receive sufficient resources to carry out its responsibilities effectively; insists that the Authority be granted sufficient resources to carry out its tasks;

9. Highlights that, in 2019, the Parliament adopted 16 objections to the import of genetically modified (GM) crops for food and feed; highlights that one reason for these objections are gaps in the risk assessment undertaken by the Authority's Panel on Genetically Modified Organisms; urges the Authority to address and close these gaps as a matter of urgency; whereas these gaps include, inter alia, lack of testing of cocktail effects stemming from herbicide residues, Bacillus thuringiensis ('Bt') toxins and plant constituents, the impact of increased rate of sprayings of the complementary herbicides on the overall safety of the GM plant as well as a lack of adequate toxicity testing of Bt proteins;

10. Welcomes the contribution of the Authority to the safety of the Union food and feed chain, and its considerable efforts in providing risk managers with comprehensive, independent and up-to-date scientific advice on questions linked to the food chain, communicating clearly to the public on its outputs and the information on which they are based, and cooperating with interested parties and institutional partners to promote coherence and trust in the food safety system;

11. Highlights that, in 2019, the Authority finalised 838 questions through scientific opinions, technical reports and supporting publications;

12. Notes with concern that, in its Special Report No 2/2019 ([4]), the Court found that growth in the number of applications for authorisation of new substances had led to major backlogs especially in the area of regulated food ingredients; regrets that Member States do not always provide the Authority with the data needed to carry out scientific assessments;

13. Notes that Regulation (EU) 2019/1381 ([5]) (the new Transparency Regulation), which is a direct response to the successful European Citizen's Initiative "Stop Glyphosate", was adopted, seeking to improve the transparency of risk assessment in the food chain, and in particular to strengthen the reliability, objectivity and independence of the studies used by the Authority; notes that during 2019, it invested a total of 3,03 full-time equivalents and just over EUR 196 000 on implementing its policy on independence and the management of conflicts of interest;

Staff policy

14. Notes that, on 31 December 2019, the establishment plan was 97,81 % implemented, with five officials and 308 temporary agents appointed out of 320 posts authorised under the Union budget (compared with 319 authorised posts in 2018); notes that, in addition, 131 contract agents and 15 seconded national experts worked for the Authority in 2019;

([4]) Special Report No 2/2019 — 'Chemical hazards in our food: EU food safety policy protects us but faces challenges' OJ C 21, 17.1.2019, p. 7.

([5]) Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC (OJ L 231, 6.9.2019, p. 1).

15. Acknowledges that the gender balance within the Authority's senior management is satisfactory, as three out of five are female; notes, however, that within the Authority's management board four out 15 are female; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Authority's management board; notes with concern the geographical imbalance within the Authority, one nationality comprises the 46,49 % of the overall staff; encourages the Authority to take further measures to ensure a better geographical balance but acknowledges the efforts made;

16. Notes that six additional contract agents, out of the 25 requested, were granted in 2019 to accommodate the increased workload in the area of novel food assessments and the commodity assessments of high-risk plants; notes that the Authority has requested a further increase in resources;

17. Notes that the Authority has adopted a policy on protecting the dignity of persons and preventing harassment; acknowledges that the Authority organised obligatory training courses both for staff and managers, made confidential counselling available and published the first report on harassment cases on its intranet; notes also that only staff and seconded national experts can initiate a formal procedure; regrets that the Authority reported five harassment cases in 2019, out of which three were formal and two informal; notes that the necessary procedures were put in place to investigate them and that legal proceedings were not started for any of the cases; calls on the Authority to report if any further measures will be implemented to prevent future cases;

18. Calls on the Authority to further develop its ethics@work programme by developing measures offering whistle blowers protection;

Procurement

19. Notes from the Court's report that the Authority has launched a procurement procedure for services of a competent doctor with the invitation to tender and the technical specifications published only in Italian, despite the Authority working language being English; notes also that linguistic technical specifications required to be provided by the tenderer were not compliant; notes with concern that the Authority as a result received only one offer; notes the Authority's reply to the Court's finding and the measures taken by the Authority to prevent a recurrence of this failure;

Prevention and management of conflicts of interest and transparency

20. Notes with satisfaction the Authority's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest, and whistleblower protection; welcomes the effectiveness of ex-post and ex-ante controls put in place to prevent conflicts of interests, which prevented 37 cases of conflicts of interest and resulted in eight findings, and none of the findings required the adoption of remedial measures;

21. Notes that the Court's observation in its 2017 report regarding the need to strengthen the accounting officer's independence, has been closed according to the agency, but is still outstanding according to the Court; takes note of the Authority's reply that the independence of the accounting officer is beyond doubt and calls on the Authority to seek the confirmation of the Court as soon as possible;

22. Regrets that the Authority, in relation to the two-year cooling off period, still includes in its independence policy the obligation to screen experts' interests only in relation to the mandate of the scientific group to which the expert is applying; disagrees with the Authority's claims that the current policy is a "robust and sophisticated way to avoid potential conflicts"; calls again for the policy to be updated without delay in order to ensure that experts' interests are viewed within the context of the Authority's overall remit, as repeatedly called for by Parliament; reminds the Authority that, in order to maintain the independence of its panels, the Authority can access any expertise it needs by inviting experts to participate in hearings without giving them the right to participate in the panel's deliberations and drafting conclusions;

23. Regrets that the research funding from companies in the Authority's remit is not considered relevant to the cooling off period as long as amounts at stake do not rise above 25 % of the total research budget managed by the expert and/or their research team, and that the threshold is applied to individual sources as opposed to all private sources combined; calls again for the funding threshold to be removed from the Authority's independence policy, in line with Parliament's repeated requests on the matter; stresses that the Authority's outright dismissal of Parliament's concerns regarding this weakness in the Authority's independence policy is not acceptable;

24. Calls on the Authority to align its practices with the recommendations of the European Ombudsman of 7 May 2020 in case 2168/2019/KR in particular by ensuring, where necessary, that the option of forbidding its senior staff from taking up certain positions after their term-of-office is invoked, by setting out criteria for determining when it will forbid moves of staff to the private sector, by informing applicants for senior posts of the Authority of the criteria when they apply and by putting in place internal procedures so that once that a member of its staff moves to another job, their access to confidential information is cut off with immediate effect;

Internal controls

25. Notes that the final report of the audit by the internal audit service on human resources management and ethics was issued in 2019 and notes that two very important observations were made, one regarding weaknesses in the recruitment and selection process, and the other regarding weaknesses in the time management process; notes that in 2019 the internal audit service started an audit on the assessment and adoption of scientific outputs in the food ingredients and packaging domain;

26. Notes that, following a recommendation from the Commission, the Authority participated in a peer review exercise on risk management among Union Agencies, encouraging the exchange of best practices;

27. Welcomes the full implementation of the action plan of the Authority's anti-fraud strategy, following an internal risk assessment carried out in accordance with the methodology and guidance of the European Anti-Fraud Office; recommends that the Authority update its anti-fraud strategy and action plan to address the fraud risks faced by the Authority and report on progress to the discharge authority;

28. Calls upon the Authority to aim to disseminating the results of its findings to the general public;

Other Comments

29. Notes the Authority's efforts to ensure a cost-effective and environment-friendly working place; calls on the Authority to strengthen these efforts by following European Union Eco-Management and Audit Scheme guidelines and work towards achieving more sustainability;

30. Notes that the Authority adopted a new integrated policy covering information security, business continuity, security, and health and safety; welcomes the introduction of multi-factor authentication, that super-user accounts were further restricted and mandatory training was provided to increase information security in the Authority;

31. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ([6]) on the performance, financial management and control of the agencies.

([6]) Texts adopted, P9_TA(2021)0215.