2024/2271

10.10.2024

RESOLUTION (EU) 2024/2271 OF THE EUROPEAN PARLIAMENT

of 11 April 2024

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Union Aviation Safety Agency for the financial year 2022

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the budget of the European Union Aviation Safety Agency for the financial year 2022,

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

— having regard to the opinion of the Committee on Transport and Tourism,

— having regard to the report of the Committee on Budgetary Control (A9-0116/2024),

A. whereas, according to its statement of revenue and expenditure ([1]), the final budget of the European Union Aviation Safety Agency (the 'Agency') for the financial year 2022 was EUR 224 265 965, representing an increase of 10,04 % compared to 2021; whereas EUR 39 678 000 of the Agency's budget derives from the Union budget and EUR 120 435 031 is revenue from fees and charges;

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the European Union Aviation Safety Agency for the financial year 2022 (the 'Court's report'), states that it has obtained reasonable assurance that the Agency's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes that the budget monitoring efforts during the financial year 2022 resulted in a budget implementation rate of current year commitment appropriations of 97,08 %, representing an increase of 0,77 % compared to 2021; further notes that the current year payment appropriations execution rate was 87,18 %, showing a slight decrease of 0,16 % compared to 2021;

2. Notes that the Agency ended the year with a fees and charges budgetary result of negative EUR 8,2 million (compared to EUR 11,2 million in 2021); observes as a consequence that the Agency's accumulated fees and charges surplus was brought down from EUR 72,1 million to EUR 63,9 million; notes that the rate of cancelled appropriations relating to commitments carried over to 2022 was at 2,82 %, below the 5 % ceiling set by the Commission;

3. Notes that, according to the Court's report, the Agency collects fees and charges for the provision of certification services, but does not document the checks it performs to ensure that this revenue is correctly collected, therefore not complying with the Articles 74(5) and 75 of the Financial Regulation; notes the Agency's reply whereby the Agency commits to take the necessary actions to guarantee that checks are properly documented;

Performance

4. Notes that in 2022 the Agency used certain measures to assess the added value provided by its activities and other measures to improve its budget management, through a mix of 128 objectives and 66 key performance indicators (KPIs) across 11 key areas of operation; notes that in 2022 the Agency had a very good performance with a 97 % implementation rate of its 2022 Annual Work Programme and 77 % of the Agency's KPIs on-track;

([1]) OJ C 73, 28.2.2023, p. 25.

5. Recognises the Agency's key achievements and progress in 2022 in emerging areas linked to green solutions and digitalisation; notes in this context that the Agency stepped up its efforts for a clean aviation through the EASA Sustainable Aviation Programme - 2022 with various actions such as the publication of the third edition of the European Aviation Environmental Report and the successful contribution to the conclusions on environment of the International Civil Aviation Organisation (ICAO) 41 Assembly; notes that the Agency conducted in 2022 a comprehensive review of the strategic priorities in addressing the risks to the system in connection with the European Plan for Aviation Safety system (EPAS); notes in this context that the review resulted in a stronger focus on the management of risk interdependencies, as well as on the competences of personnel, and included additional priorities for the safe integration of emerging technologies and new business concepts; notes that these new strategic priorities are included in the 2023-2025 EPAS edition adopted in 2022;

6. Notes the Agency's actions in 2022 for the implementation of the roadmap to Urban Air Mobility through the publication of the guidance for the design of vertiports, the proposed new regulatory framework for the operation of air taxis in cities, the guidelines to establish the noise levels of drones below 600 kg and the Acceptable Means of Compliance and Guidance Material to support the harmonised, safe and efficient implementation of U-space across the Union;

7. Salutes digital transformation of the European skies, including enhanced mobility options and streamlined qualifications for Air Traffic Controllers licencing and training and ATM Ground Systems; calls for the amendment of SERA RT phraseologies for communication between pilots and air traffic controllers; stresses that digital transformation of the European skies comprises several individual components and building blocks that are critical solutions for the future airspace architecture and aim to support safety, efficiency, and environmental performance;

8. Highlights the importance of Single European Sky tackling the fragmentation of European airspace and aiming at improving ATM performance from the safety, capacity, cost-efficiency and environmental perspectives; welcomes the Agency's work in Single European Sky 2+ reform in 2022, particularly in the harmonization of ATCOs through licensing and the certification by the Agency of ATM/ANS ground systems; commends that both reforms reduce cost and increase capacity for ATM, and provide significant added value for the Single European Sky 2+ package of initiative;

9. Understands concerns about Russian passenger fleets; in particular, welcomes the involvement of the Agency in the Civil-Military Airspace Safety Team Ukraine, especially in relation to the increasing demands for airspace to facilitate State and NATO military exercises; acknowledges the successful implementation of the work programme with the European Defence Agency (EDA), which has significantly bolstered collaboration in the emerging frontier of innovation; welcomes that the Agency supported Commission initiatives in the framework of RescEU programme (fire fighters' contract and aeronautical MEDEVAC/transport capacity);

10. Notes the Agency's actions in response to the Russia's war of aggression against Ukraine, such as the publication of a Conflict Zone information Bulletin recommending operators to not overfly the areas with intense or heightened military activity, and the publication of Safety Information Bulletin on intermittent GNSS outages near Ukraine conflict areas; commends in this context that, after the trial phase of the initiative, the European Information Sharing and Cooperation Platform on Conflict Zones became operational with the objective to share information on threats to civil aviation arising from zones of conflict or armed insurgency; further highlights that illegal invasion of Ukraine has resulted in new safety issues and has strengthened pre-existing ones; reiterates its call for close relationship with European State and Military Aviation Authorities, EDA, Organisation for Joint Armament Cooperation (OCCAR) and NATO, as appropriate for the discharge of the Agency's tasks, in accordance with Regulation (EU) 2018/1139 of the European Parliament and of the Council ([2]), to improve flight safety and security in Europe;

11. Acknowledges that the Agency complied with the sanctions and policies set by the Commission after the illegal Russian invasion of Ukraine in 2022 and all cooperation activities with Russia were suspended, while the Agency focussed its attention on activities supporting Ukraine; welcomes in this context the fact that the Agency's Ramp Coordination team has supported the Commission in establishing a list of aircraft registrations that are used or controlled by Russian nationals, whereas the list was updated 38 times and covered more than 1 000 aircraft in 2022;

([2]) Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

Efficiency and gains

12. Commends the Agency for sharing resources on overlapping tasks and competences with other Agencies, including in the areas of human resources advisory services, digitalisation and tools, e-learning and surveys, as well as for the participation in inter-institutional and inter-agency calls for tender; notes that the Agency is collaborating closely with the European Environmental Agency for the elaboration of reports such as the European Aviation Environmental Report, with Eurocontrol for mutual opportunities in aviation related learning solutions and with European Union Agency for Railways through a Memorandum a Cooperation signed in 2022 that establishes a regular structured dialogue and enhances the sharing of information, knowledge and experience in various cooperation areas; welcomes that the Agency has strategic partnerships on the sharing of resources and information with almost all of the national competent aviation authorities in its Member States;

13. Welcomes that the Agency has established a number of partnerships with other Union bodies to improve efficiency and coherence, including the European Environment Agency, the European Centre for Disease Prevention and Control, the Clean Aviation Joint Undertaking, the SESAR3 Joint Undertaking; welcomes the cooperation on learning solutions with several agencies on issues of common interest in the fields of human resources advisory services, digitalisation and tools, e-learning and surveys, including the European Medicines Agency, the European Securities Market Authority, the European Food Safety Authority and the European Public Prosecutor's Office;

14. Recalls that in 2020, the corporate transformation programme 'Destination: Future-proof' was put in place to reduce costs, improve efficiency and address the Agency's key 'drivers'; notes that that programme, formally concluded in 2022, has delivered on key changes that include, among other, a simplified rulemaking procedure, pre-application services for innovative technologies and an improved corporate programming process, as well as a gain of 12 % in productivity (when comparing 2022 to 2019 outputs) equivalent to a reduction in the Agency's overhead of 36 full time equivalents; welcomes the fact that the programme approach for achieving efficiency, as well as the infrastructure to initiate new initiatives has been established so that the Agency can continue to improve processes and digitalise;

15. Welcomes the actions taken by the Agency to monitor and manage its environmental footprint in areas related to its building, utilities and supplies, among other; notes in this context that the Agency has optimised the use of energy and water consumption in its building, purchases 100 % renewable electrical energy, has centralized waste collection points in the Agency's team spaces and has measures in place to reduce paper and office supplies;

16. Notes that the Agency continues to apply the relevant Green Public Procurement criteria and requirements using the available toolkits on its calls for tenders; further notes that in 2022 one staff member was recruited with the aim of ensuring resources to re-start the analysis of instruments of continuous improvements in the environmental performance of organisations, with primary focus on EMAS and ISO 14001; calls on the Agency to inform the discharge authority on the results of that analysis;

Staff policy

17. Notes that, on 31 December 2022, the establishment plan was 95,59 % implemented, with 651 temporary agents appointed out of 681 temporary agents authorised under the Union budget (compared to 680 authorised posts in 2021); notes that, in addition, 95 contract agents and 23 seconded national experts worked for the Agency in 2022;

18. Notes that the Agency made significant investments on reinforcing technical capabilities during 2022 and on offering career progression opportunities with a renewed competence policy; notes in this context that in 2022 the Agency successfully recruited over 60 newcomers, deployed the third generation of Junior Qualification Programme (JQP), offered internal career development opportunities to over 70 staff members and delivered 98 % of planned technical trainings to staff; commends the Agency's very low turnover rate (0,1 %) in 2022;

19. Observes with concern the lack of gender balance within the Agency's senior and middle management members, with 17 out of 22 (77 %) being men, and within the Agency's management board, with 59 out of 79 (75 %) being men; further notes the gender balance within the Agency's overall staff, with 525 out of 757 (69 %) being men; notes that the Agency is systematically monitoring the gender distribution among applicants and actively reaches out for female candidates, by publishing the positions in the right forums, explicitly encouraging applications from female candidates, and drafting positions with precise information as it may affect work-life balance; calls on the Agency to continue its efforts towards gender balance at management and overall staff level through concrete actions that attract applications from women for posts offered by the Agency; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;

20. Welcomes that the Agency maintained focus on gender balance, geographical balance and diversity; recalls the importance to develop a long term human resources policy on work-life balance and the offer of specific training possibilities for career development, home office, right to disconnect, the enhancement of a geographical balance to have an appropriate representation from all Member States, and the recruitment and integration of people with disabilities, as well as the promotion of their equal treatment and their opportunities;

21. Notes from the Agency's report with regard to the follow-up measures taken in light of the discharge in respect of the implementation of the budget of the Agency's for the financial year 2021 (he 'Agency's report'), that, based on its competency management and strategic workforce planning programme, the Agency identified a stable staffing scenario 2022+ with significant external resource investments in technical and corporate expertise areas both for traditional tasks and emerging domains based on the Agency's mid-term strategic priorities, including e.g. new technologies, cybersecurity, safety assessment, flight test and research;

22. Notes that in 2022 one case of harassment has been reported for which the Agency used the services of an external investigator of the Inter-Agencies network, with the conclusion that the harassment could not be confirmed; further notes that a total of 4 burnout cases was reported in 2022, the same number as in 2021;

23. Recalls from the Court's annual report on Union agencies for 2021 the observation regarding the Agency's non-compliance with Article 16 of the Union's Staff Regulations; notes that, according to the Court's report, that observation remained open; notes however from the Agency's report that the Agency has in the meantime formally established a Joint Committee, in addition to having revised its procedures to address weaknesses identified by the Court;

Procurement

24. Notes that, according to the Court's report, the Agency concluded a contract with one service provider for the continued development of an incident reporting system for the value of EUR 1,9 million by using an extreme urgency procedure; notes the Court's observation that since the legal conditions for the use of that procedure were not satisfied, the procedure was irregular, as were all the associated payments (EUR 261 385) made in 2022; notes nevertheless the Agency's reply that the awarded contractor was the only one able to continue the development of that system without creating disruption and an immediate safety risk with potential catastrophic consequences;

25. Notes that, according to the Court's observations, the Agency, after having launched a tendering procedure for events management services, modified the price of the tender without following the provisions of the Article 151 of the financial regulation; observes that following complaint from the bidder, the Agency carried out a second evaluation that led to excluding the bidder on the grounds that it 'did not meet the requirements set in the tender specifications', however without specifying which requirements had not been met; notes the Court's conclusion that the bidder's exclusion was not properly justified; calls on the Agency to take the necessary actions to guarantee that in future procurement procedures any correction in price or exclusion of the tenderers are justified according to the applicable legal basis;

Prevention and management of conflicts of interest and transparency

26. Acknowledges the Agency's existing system for the prevention and mitigation of conflicts of interest which includes an annual exercise during which staff is asked to review and update (if necessary) any change in their situation that could lead to an actual or potential conflict of interests; notes that in 2022, from all declarations of interest submitted by staff in various contexts (annual declaration, new recruits, post-employment or outside activities/ leave on personal grounds) and assessed by the Agency in line with the applicable procedure, 4 cases were referred on for opinion to the Agency's Ethical Committee; welcomes the fact that in 2022 there were no confirmed cases of conflicts of interest and all cases where a risk of an actual or potential conflict of interest was identified could be mitigated via specific measures put in place, for example cooling-off, lobby-bans, non-involvements in certain assignments;

27. Notes that CVs and declarations of interest of board members and senior and middle managers are published on the Agency's website; further notes that the Agency does not list all its meetings with lobbyists or interest representatives on its webpage and calls on the Agency to do so without delay;

28. Notes that the Agency is open to the possibility of an internal anticorruption strategy for the future, but considers at this moment that, according to the records in the past years, there is no threat in this regard; nevertheless, calls on the Agency to re-evaluate its position and take steps towards setting up an internal anticorruption strategy;

Internal control

29. Notes that in 2022, the Commission's Internal Audit Service (IAS) carried out an audit on standardisation activities that assessed whether the controls in place provide reasonable assurance regarding compliance with the relevant legislation and the standardisation activities are organised in an efficient way to effectively support the achievement of the Agency's business objectives; further notes that as a result of that audit three recommendations were raised for which the Agency drafted an action plan to be implemented in the course of 2023;

30. Notes that the 2022 audit programme of the Agency's Internal Audit Capability (IAC) consisted of 8 engagements, namely 4 assurance audits, including 1 audit performed by IAS, 2 consulting, and 2 follow-up audits; notes that during the 2022 follow-up audits, 2 out of the 13 actions identified in the initial audits from 2021 could be closed, while six actions were assessed as partially implemented and five actions remained open; calls on the Agency to take the necessary measures to address those actions;

Other comments

31. Salutes the focus of the Agency to integrate Ukraine as a candidate country into the Union system;

32. Notes from the Agency's report that in 2022 the Agency performed a comprehensive usability study involving tree testing and one-to-one user interview; notes that the study has provided qualitative insights that, in combination with the quantitative insights, are expected to improve EASA Pro, EASA Light and communities on the Agency's website; commends the Agency for having put in place a project to make EASA Light (a dedicated area of the Agency's website which explains its activities in a simple non-technical English) available in all official languages of the Union;

33. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 11 April 2024 ([3]) on the performance, financial management and control of the agencies.

([3]) Texts adopted, P9_TA(2024)0280.