RESOLUTION (EU) 2021/1573 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 Monitoring Centre for Drugs and Drug Addiction 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 Monitoring Centre for Drugs and Drug Addiction for the financial year 2019,

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

— having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to the report of the Committee on Budgetary Control (A9-0087/2021),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of the European Monitoring Centre for Drugs and Drug Addiction (the 'Centre') for the financial year 2019 was EUR 18 178 352,57, representing an increase of 12,39 % compared to 2018; whereas the increase in budget can primarily be explained by the start of the new Instrument for Pre-accession Assistance 7 (IPA 7); whereas the Centre's budget derives mainly from the Union budget;

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

Budget and financial management

1. Notes with appreciation that the budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 100 %, the same rate as in 2018; notes with satisfaction that the payment appropriations execution rate was 98,29 %, representing an increase of 0,28 % compared to the previous year;

Performance

2. Welcomes the fact that the Centre put in place a new performance measurement model in 2019, using ten composite key performance indicators (KPIs) to measure the effectiveness of the delivery of outputs and the efficiency of use of resources; notes that the ten composite KPIs are broken down into 43 more specific performance indicators for which annual targets are defined; welcomes the fact that 39 out of 43 targets have been achieved by the Centre and that the remaining three were partially achieved and one was not applicable;

3. Notes with appreciation the high level of implementation of the 2019 work programme, in relation to which the KPI monitoring was achieved for the level 1 outputs/results and overachieved for the level 2 and level 3 outputs/results;

4. Reminds the Centre to regularly review and update its performance measurement system and KPIs to ensure the Centre's efficient contribution and expertise at Union level; encourages the Centre to carefully analyse the outcomes and use them to improve its strategy and activity planning;

5. Highlights the important role of the Centre in providing policy-makers and practitioners with analyses and information concerning drugs and drug addiction as well as emerging trends with a view to effectively countering illicit drug use and trafficking, and in contributing to a healthier Europe by addressing important drug-related public health concerns; recalls that drug trafficking has been identified as a main source of profit and a channel of recruitment for organised crime and terrorism, and therefore highlights the contribution of the Centre also to a more secure Europe;

[1] OJ C 143, 30.4.2020, p. 17.

6. Welcomes the cooperation between the Centre and EUROPOL; acknowledges the publication of their third joint report on EU Drug Markets and its supporting digital information package; notes the conclusion of two new working arrangements in 2019 at institutional level with the European Chemicals Agency (ECHA) and the European Food Safety Authority (EFSA), with a view to implementing the new legislation on new psychoactive substances; encourages the Centre to increase its cooperation with other Union agencies, bodies, offices and institutions, creating new synergies in areas such as joint public procurement schemes, cybersecurity and ecological transition as well as in areas specific to its field of action;

7. Notes that the Centre partially achieved its target for the number of training days per member of staff (target of 3 days, achieved 2,4 days) as a result of reduced budget allocations for training;

8. Notes that the Centre partially achieved its target for utility costs, despite a reduction of water consumption (– 20 %); notes that the utility costs for electricity (+ 19,6 %) and gas (+ 44 %) increased due to additional use of air-conditioning as a result of atmospheric conditions in Lisbon, which is the Centre's seat; recommends that the Centre focus on energy saving and keep the discharge authority informed about the achievements in this regard;

9. Notes that the Centre partially achieved its target for contribution to 14 major scientific and practice drug events due to the need to reallocate staff to other priority tasks; encourages the Centre to continue attending such events which are an important means of disseminating the Centre's knowledge to the wider public;

10. Notes with appreciation that the Commission's report of 14 May 2019 on evaluation of the Centre ([2]) concluded that the Centre is working well; welcomes the report's other conclusions that the Centre is recognised as a hub of excellence in Europe and internationally, that the information produced by the Centre is factual, objective, reliable and robust, that the Centre's activities are relevant at Union level and to a varying extent at national level, that the Centre's work is coherent with the work of the Union institutions, other Union agencies and international organisations, and that the Union added value of the Centre's work is high; notes the recommendations made in the report and the action plan put in place by the Centre; calls on the Centre to keep the discharge authority informed about the implementation of the recommendations;

11. Points out that a complex approach is needed in order to make the home pages of the Union institutions accessible to persons with all kinds of disabilities as foreseen in Directive (EU) 2016/2102 ([3]), including the availability of national sign languages; suggests to involve organisations representing disabled persons in this process;

12. Welcomes the set-up of the technical cooperation project 'EU4Monitoring Drugs', together with European Neighbourhood Policy (ENP) partner countries, which is financed by the European Neighbourhood Instrument comprising a total budget of EUR 3 million and is planned to run until the end of 2021, with the objective of supporting national and regional readiness in the ENP area to identify and respond to drug-related health and security threats;

13. Highlights the contribution of the Centre, by means of its annual reports, to the development of the EU Agenda and Action Plan on Drugs 2021-2025 ([4]), and the role that the Centre is going to play in its implementation;

Staff policy

14. Notes that, on 31 December 2019, the establishment plan was 94,74 % executed, with 9 officials and 63 temporary agents appointed out of 10 officials and 66 temporary agents authorised under the Union budget (compared to 76 authorised posts in 2018); notes that, in addition, 34 contract agents and 1 seconded national expert worked for the Centre in 2019;

15. Recalls that the Court has identified recurrent shortcomings applying to several agencies in relation to the use of external staff and interim workers; notes that, according to the Centre's reply, it has reassessed its policy for use of temporary workers with a view to further rationalise that policy in line with its operating needs and the relevant legal framework;

([2]) COM(2019)0228.
([3]) Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).
([4]) COM(2020)0606.

16. Notes that the Centre has reported a close gender balance within the management board for 2019 (16 men and 14 women); notes with concern that there is no gender balance at senior management level (7 men and 2 women); asks the Centre to ensure gender balance at senior management level in the future;

17. Welcomes the publication of vacancies both on the Centre's website, as well as on the website of the European Personnel Selection Office;

18. Notes with concern a high level of disparity in the geographical balance of staff, with a significant proportion of around 50 % of officials, temporary agents and contract agents representing nationals of the hosting Member State; calls on the Centre to urgently address this issue and improve the geographical balance of staff;

19. Encourages the Centre to pursue the development of a long term human resources policy framework which addresses work-life balance, lifelong guidance and career development, gender balance, teleworking, geographical balance, and recruitment and integration of people with disabilities;

20. Reiterates its concern that the Court has identified a recurrent shortcoming applying to several agencies on the use of external staff and interim workers; calls for the dependency on external recruitment in this important area to be addressed and for applicable labour law to be respected; welcomes the Centre's reply that it has reassessed its policy on the use of temporary workers with a view to further rationalising this policy in line with its operating needs and the relevant legal framework; notes the pending case before the Court of Justice ([5]) which addresses several questions concerning the application of Directive 2008/104/EC ([6]) on temporary agency workers in Union agencies; calls on the Centre to rely as much as possible on permanent staff;

Procurement

21. Welcomes the fact that the Centre put in place a procurement plan in line with the Centre's management plan, which was successfully executed; notes that the Centre uses the negotiated procedure in particular for small value contracts; highlights the inherent risks associated with the use of the negotiated procedure; notes with concern that in 85 out of 92 procedures, representing 60 % of the total value of contracts, the Centre attributed direct contracts in procedures with single tenders; acknowledges that most of these situations occurred in relation to cases of small value contracts; recommends the Centre to use procedures involving multiple candidates, even in small value contracts, in order to increase the variety of options; calls on the Centre to continue to closely monitor the contracts concluded; welcomes the fact that the Court did not have remarks about the Centre's application of the public procurement rules; welcomes the progress made by the Centre in implementing e-procurement;

Prevention and management of conflicts of interest, ethics, and transparency

22. Acknowledges the Centre's existing measures and ongoing efforts to secure transparency, prevent and manage conflicts of interest, and provide whistleblower protection; notes with satisfaction that the declarations of interest of the members and substitutes of the management board, the director and the members of the scientific committee are published on the Centre's website; notes that a short summary of the CV of the director and the members of the scientific committee are also published on the Centre's website;

23. Underlines the fact that the current ethical framework applying to Union institutions and agencies suffers from considerable drawbacks due to its fragmentation and lack of consistency between existing provisions; highlights that these issues should be addressed by setting up a common ethical framework, ensuring the application of high ethical standards for all Union institutions and agencies;

24. Underlines that certain officials fill in declarations of absence of conflicts of interest and provide self-assessments with regard to respect for ethical standards; highlights, however, that such self-declarations and self-assessments are not sufficient and that additional scrutiny is therefore needed;

25. Welcomes that, in accordance with the guidelines and recommendations of the Commission and of the European Ombudsman, in July 2019 the Centre adopted a code of conduct and practical recommendations for the possible interaction of its staff with interest representatives;

([5]) C-948/19, Manpower Lit.
([6]) Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).

Digitalisation

26. Stresses the importance of increasing the digitalisation of the Centre in terms of internal operations and management procedures; stresses the need for the Centre to continue to be proactive in this regard in order to avoid a digital gap between the agencies at all costs; draws attention, however, to the need to take all the necessary security measures to avoid any risk to the online security of the information processed;

Internal controls

27. Deplores the fact that two long outstanding recommendations stemming from a 2015 audit of the Internal Audit Service (IAS) on IT project management were still not closed in 2019, four years after conclusion of the audit; notes that all recommendations have been implemented by the Centre and formally closed in January 2020;

28. Notes the fact-finding mission of the IAS on potential internal control weaknesses in the Centre related to human resources management; welcomes the fact that these potential weaknesses were not fraud related; calls on the Centre to swiftly address the issues identified by, and the recommendations of, the IAS and to inform the discharge authority about the status of progress in relation to implementation of the recommendations by June 2021;

29. Welcomes the fact that the observation of the Court regarding the financial contribution from Norway to the Centre, which was not in line with the envisaged contribution mechanism, has been acted upon and completed;

30. Notes that, following the introduction of the new internal control framework (ICF) in 2017 and the establishment of a repository with the state of play of implementation in 2018, the final version of the repository on the new ICF was approved by the Centre's director in March 2019; recommends that the Centre perform the annual assessment of the implementation of the ICF, and report to the discharge authority on its outcome, in the framework of the 2020 discharge procedure;

31. Notes that the Centre's anti-fraud strategy dates back to August 2016 and has been reported as fully implemented in the Centre's consolidated annual activity report; recommends that the Centre update its anti-fraud strategy, taking into account its exposure to fraud risks, and update its action plan accordingly; calls on the Centre to report to the discharge authority by June 2021 on the state of play of the update;

32. Encourages the Centre to continue promoting its work, research and activities to increase its public visibility;

33. Notes the efforts made to increase the Centre's cyber security and data protection;

34. Welcomes the Centre's efforts to provide a cost-effective and environmentally-friendly workplace;

35. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ([7]) on the performance, financial management and control of the agencies.

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