RESOLUTION (EU) 2020/1948 OF THE EUROPEAN PARLIAMENT

of 14 May 2020

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Training (CEPOL) for the financial year 2018

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Training (CEPOL) for the financial year 2018,

— 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 (A9-0062/2020),

A. whereas, according to its statement of revenue and expenditure ([1]), the final budget of the European Union Agency for Law Enforcement Training (CEPOL or the 'Agency') for the financial year 2018 was EUR 10 416 720 representing a decrease of 1.02 % compared to 2017; whereas the Agency is financed mainly by a contribution from the Union ([2]);

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2018 (the 'Court's report'), states that it has obtained reasonable assurances that the Agency'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 2018 resulted in a budget implementation rate of 97.97 %, representing an increase of 0.88 % compared to 2017; notes that the payment appropriations execution rate was 76.51 %, representing a decrease of 7.51 % compared to the previous year;

Performance

2. Notes that the Agency uses key performance indicators to measure its training activities and their impact, in particular the satisfaction level of the participants, in order to assess the added value provided by those activities, and uses performance indicators to improve its budget management;

3. Notes with satisfaction that the Agency successfully delivered its mandate throughout 2018, and that in some cases it exceeded objectives set in its working programme for 2018;

4. Observes that the Agency started two new Union-funded projects, the EU/MENA Counter-Terrorism Training Partnership 2 and the Financial Investigation In-Service Training Western Balkan project, both of which demonstrate the Agency's increasing recognition as a key Union actor contributing to European security through external action;

5. Notes that in 2018, the Agency conducted the pilot EU-Strategic Training Needs Assessment (EU-STNA) and that more than 87 % of the Agency's residential and online training events (residential activities, webinars, online courses) addressed gaps in capability in relation to critical security threats stemming from the European Agenda on Security.

6. Welcomes the fact that the Agency continues to cooperate closely with the Justice and Home Affairs agencies' network, and the nine agencies which comprise it (including in particular the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency); notes that those agencies share training and organise courses; strongly encourages the Agency to actively seek further and broader cooperation with all of the Union agencies; urges the Agency to explore the possibilities of sharing of resources on overlapping tasks (such as IT and other services) with agencies in the Agency's proximity, notably the European Union Agency for Fundamental Rights in Vienna and the European Labour Authority in Bratislava;

([1]) OJ C 7, 9.1.2019, p. 1.
([2]) OJ C 7, 9.1.2019, p. 2.

7. Calls on the Commission to conduct a feasibility study in order to assess the possibility of (if not fully merging) at the very least setting up shared synergies with Europol; calls upon the Commission to evaluate both scenarios, namely the transfer of the Agency to the Europol headquarters in The Hague, and the transfer of the Europol headquarters to the Agency's headquarters in Budapest; notes that such an act would mean sharing corporate and support services and the management of common premises, as well as shared ICT, telecommunications and internet-based infrastructures, thereby saving huge amounts of money which would be used to fund both agencies further;

8. Observes that, following the five year periodical external evaluation which was concluded in January 2016, and for which the Agency had to implement corrective actions by the end of 2018, the evaluation report was adopted by the Agency and incorporated 17 recommendations covering five areas relating to the Agency's structure and working practices; notes that since the adoption of the action plan, 24 activities have been completed, 3 activities relating to further development of E-net are still ongoing, 4 activities are no longer considered relevant and 1 activity has been put on hold;

9. Encourages the Agency to pursue the digitalisation of its services;

10. Welcomes the fact that the Court has declared the transactions underlying the annual accounts of CEPOL for the financial year 2018 to be legal and regular in all material respects and that its financial position on 31 December 2018 is fairly represented; recalls that the budget of the Agency increased from EUR 9 to 10 million (+11 %) while its staff decreased from 53 to 51 (-4 %) compared to 2017; deplores however the fact that CEPOL had to refuse numerous valid and legitimate training requests from Member States in crucial areas of law enforcement because of budgetary restraints; is concerned that CEPOL currently cannot sufficiently cover the demand from Member States regarding education and training for law enforcement communities in the Union and its neighbourhood;

Staff policy

11. Notes that, on 31 December 2018, the establishment plan was 100 % executed, with 32 temporary agents appointed out of 32 temporary agents authorised under the Union budget (compared with 31 authorised posts in 2017); notes that, in addition, 18 contract agents and 4 seconded national experts worked for the Agency in 2018;

12. Observes that, as a consequence of its relocation from the United Kingdom to Hungary and the lower correction coefficient applied to staff salaries as a result, the staff turnover has been high and geographical balance has not always been maintained as applications from Member States other than the host country have decreased; notes that in 2018, the Agency continued to receive a significant number of applications from Hungarian citizens and host Member State nationals continued to be overrepresented in the total number of staff; observes that the legal dispute regarding the relocation was closed by the judgment of the General Court in 2018 ([3]), and the initial judgment was confirmed; highlights that a low correction coefficient applied to staff salaries may create difficult situations which may hamper an agency's ability to effectively perform its daily duties; stresses that agencies located in countries where a low correction coefficient is applied should receive further support from the Commission for implementing complementary measures in order to make them more attractive to current and prospective staff; calls on the Commission to assess the impact and viability of applying salary correction coefficients in the future;

13. Recalls the suggestion of the Court that vacancy notices be published on the website of the European Personnel Selection Office in order to increase publicity; understands the Agency's reply concerning the high translation costs triggered by such publication; furthermore acknowledges that the Agency in 2018 also published all vacancies on the interagency job board developed by the EU Agencies Network; reiterates however, that (to avoid incurring high translation costs) the Agency should take a first step in this direction and make use of the capability to publish titles of such vacancies in all the official languages of the Union with a link to the full text in the English language only;

14. Notes with satisfaction that an even gender balance was achieved in 2018 with respect to senior management positions (3 men and 3 women), but is concerned that at management board level there is an imbalance in the participation of men (17 members) and women (9 members);

([3]) Judgment of the General Court of 25 October 2018, *FN and Others v CEPOL*, T-334/16 P, ECLI:EU:T:2018:723.

Procurement

15. Recalls, from the Court's report, that by the end of 2017 the Agency had not yet introduced all the tools launched by the Commission which aimed to introduce a single solution for the electronic exchange of information with third parties participating in public procurement procedures (e-procurement); notes that, according to the Agency's reply, it has introduced e-invoicing and e-tendering, and it intends to adopt e-submission; calls on the Agency to report to the discharge authority on the progress made in this regard by June 2020;

16. Notes with concern that the Agency awarded a framework contract for travel arrangements for its own staff and for participants in training, without requesting an explanation from the winning tenderer for its potentially abnormally low tender; notes that according to the Agency's reply, the evaluation committee did not proceed in seeking clarifications because, in the course of their daily work, they were already aware of the prices charged by the company holding the previous contract; acknowledges that the Agency accepts the Court's observation that this assessment was not formalised in the evaluation report; calls on the Agency to request and analyse the reasons behind potentially abnormally low tenders, and to ensure that all assessments are adequately formalised in future evaluation reports;

Prevention and management of conflicts of interest and transparency

17. Appreciates the existing measures taken by the Agency, and its ongoing efforts in relation to securing transparency, in relation to prevention and management of conflicts of interests, and in relation to whistleblower protection; expresses satisfaction that the Agency has set up and implemented internal rules on whistleblowing and that it has published CVs and declarations of interest for members of the management board and of the executive director;

Other comments

18. Welcomes the fact that, in February 2017, the Agency successfully concluded ISO 9001:2015 certification of the Agency's management system in order to improve and better demonstrate its commitment to quality; observes that, based on the positive results of surveillance audits implemented in 2018 as well as in the beginning of 2019, the Agency has maintained its certification;

19. Notes with concern that, unlike most of the other agencies, the Agency did not carry out a comprehensive analysis of the likely impact of the United Kingdom's decision to withdraw from the European Union on its organisation, operations and accounts; notes that according to the Agency's reply, the United Kingdom's decision to withdraw from the European Union has been discussed in management meetings, in discussions in the inter-agency network for procurement officers and in the inter-agency legal network, and also that the communications received from the Commission have been followed closely, and that the corresponding risks have been evaluated as limited;

20. Notes the Agency's efforts to ensure a cost-effective and environment-friendly work-place; regrets that the Agency does not have a carbon off-setting scheme in place but acknowledges on the basis of the Agency's reply that the cost of participating in such a scheme cannot be covered from its limited financial resources; and acknowledges that the Agency encourages its staff to make use of public transportation to reduce emissions;

21. Calls upon the Agency to direct its focus at disseminating the results of its research to the general public, and to reach out to public via social media and other media outlets;

22. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 14 May 2020 ([4]) on the performance, financial management and control of the agencies.

([4]) Texts adopted, P9_TA(2020)0121.