RESOLUTION (EU) 2020/1912 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 Eurojust (now European Union Agency for Criminal Justice Cooperation (Eurojust)) for the financial year 2018

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the budget of Eurojust 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 (A9-0048/2020),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of Eurojust for the financial year 2018 was EUR 38 606 737, representing a decrease of 20,71 % compared to 2017; whereas the budget decrease relates to reduction in budgetary needs in title 2; whereas the entire budget of Eurojust derives from the Union budget [2];

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of Eurojust for the financial year 2018 (the 'Court's report') states that it has obtained reasonable assurances that the Eurojust's annual accounts are reliable, and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that budget monitoring efforts during the financial year 2018 resulted in a budget implementation rate of 99,94 %, representing a slight decrease of 0,03 % compared to 2017; notes that the payment appropriations execution rate was 86,91 %, representing an increase of 2,96 % in comparison to 2017;

Performance

2. Notes with satisfaction that Eurojust uses quantitative and qualitative key performance indicators (KPIs) to measure the achievements of its objectives for its annual activities and impact, including outcome indicators, activity/output indicators and business/technical/operational indicators, as well as support/management/governance indicators in order to improve its budget management; notes that Eurojust was able to measure and assess the achievement of 98 of the 119 KPIs (82 %) set for 2018, of which 72 % of the initial targets were achieved or exceeded; notes that Eurojust introduced a number of new indicators in the 2018 Annual Work Programme for which a baseline figure does not exist, and that consequently 15 % of KPIs could not be assessed; calls on Eurojust to address this issue and ensure that all indicators can be properly assessed, and to report to the discharge authority on the progress achieved by June 2020;

3. Notes that Phase II of Eurojust's organisational restructuring, refining the operational function and redesigning the administrative and support services, was developed during 2018;

4. Encourages Eurojust to pursue the digitalisation of its services;

5. Welcomes the fact that Eurojust continues to develop strong operational cooperation with the European Union Agency for Law Enforcement Cooperation (Europol) and with other justice and home affairs partners as well as with third countries; notes that in 2018 Eurojust started negotiations for a cooperation agreement with the European Border and Coast Guard Agency; notes that Eurojust also cooperated with the European Anti-Fraud Office and encourages national authorities to consider involving both bodies where appropriate; and furthermore encourages Eurojust to participate in joint procurement procedures with Europol and the European Medicines Agency;

[1] OJ C 108, 22.3.2018, p. 82.
[2] OJ C 108, 22.3.2018, p. 85.

6. Calls on Eurojust to look into the possibility of sharing resources for overlapping tasks among other agencies with similar activities; strongly encourages Eurojust to actively seek further and broader cooperation with other Union agencies;

7. Recalls the fact that the number of new cases as well as the number of ongoing cases (i.e. cases requiring complex investigations that can last several years) has grown over recent years and that the workload is expected to increase further due to the new mandate which entered into force at the end of 2019, also bearing in mind the additional resources required to allow Eurojust to support the work of the European Public Prosecutor's Office; underlines that, in addition to arrests, successful prosecutions in the area of serious cross-border crime are essential for the security of citizens in the Union; further recalls that the number of coordination centres held in 2018 was 17, the same amount as in 2017, demonstrating the popularity and utility of this operational tool; stresses the essential role that Eurojust plays in the Union security chain and that its budget should match its tasks and priorities in order to enable it to fulfil its mandate; is therefore extremely concerned by the severe budgetary cuts proposed by the Commission for the 2021-2027 Multiannual Financial Framework which would undermine the work of Eurojust and therefore present security risks within Member States; calls on Parliament's Committee on Civil Liberties, Justice and Home Affairs to invite the administrative director of Eurojust to present the anticipated long-term funding needs of Eurojust, addressing the extent to which anticipated future tasks could be covered through gains in efficiency, and also addressing the operational gaps which would result from insufficient funding and their anticipated impact on the fight against cross-border crime;

8. Welcomes the adoption by the College of an updated anti-fraud strategy and action plan in November 2018;

9. Highlights the reorganisation of Eurojust's governance structure, including the clear separation of executive and operational matters, which was initiated at the end of 2018 with a view to complying with Regulation (EU) 2018/1727 of the European Parliament and of the Council [3] (the new Eurojust Regulation) that entered into force in December 2019; notes that the proposal for implementation of the revised Internal Control Framework was planned to be adopted by the end of 2019 and implemented by the end of 2020;

Staff policy

10. Appreciates the fact that, on 31 December 2018, the establishment plan was 99,04 % executed, with 207 temporary agents appointed out of 209 temporary agents authorised under the Union budget (compared to 208 authorised posts in 2017); notes that, in addition, 15 contract agents and 16 seconded national experts worked for Eurojust in 2018;

11. Notes with concern that the reported figures for gender balance within the management board for 2018 are 20 male members and 8 female members;

12. Notes with appreciation that, following the Court's suggestion from previous years, Eurojust has, since June 2019, been advertising vacancies on the website of the European Personnel Selection Office, making use of the possibility of publishing the titles of such vacancies in all of the Union's official languages with a link to the full text in the English language only; encourages Eurojust, in relation to lower-ranking staff, to consider the possibility of sharing staff and resources with other Union agencies;

13. Notes with satisfaction that, in light of the observations of the discharge authority, Eurojust will consider adopting a fundamental rights strategy, including a reference to fundamental rights in a code of conduct that could define the duties of its staff and training for staff, and that it will do so in consultation with the Commission and other Union agencies in order to ensure a coordinated approach;

[3] Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

Procurement

14. Notes that, according to the Court's report, Eurojust signed an IT framework contract with a company which provided the same service under a previous framework contract, without prior publication of a contract notice during the negotiated procurement procedure; notes that all payments made under that framework contract and all related specific contracts are irregular and that a simplified procedure is only acceptable under specific circumstances which were not substantiated by Eurojust; acknowledges that, according to Eurojust's reply, the negotiated procedure was carried out on the basis of point (f) of the second subparagraph of Article 134(1) of Commission Delegated Regulation (EU) No 1268/2012 ([4]), which allows this procedure to be used where a change of supplier would result in incompatibility or disproportionate technical difficulties in operation and maintenance, and that, therefore, that solution was considered to be the most cost-effective; calls on Eurojust to ensure compliance with public procurement rules;

Prevention and management of conflicts of interests and transparency

15. Appreciates Eurojust's existing measures and its ongoing efforts to secure transparency, prevention and management of conflicts of interests; notes that Eurojust adopted College Decision 2019-02 in relation to Eurojust's guidelines on whistleblowing, which are applicable to all staff; notes that, according to Eurojust, training on such rules was provided during 2019, as required;

16. Welcomes the fact that, in light of the observations of the discharge authority, the publication of declarations of interests in the draft Code of Ethics for the College of Eurojust are at present being addressed by the project team on Rules of Procedure; notes that for the time being Eurojust has published declarations of absence of conflicts of interests; calls on Eurojust to also publish the CVs of the management board members and of its executive leadership; notes that Eurojust adopted the updated anti-fraud strategy through College Decision 2018-19 of 6 November 2018;

Internal Control

17. Notes that the Internal Audit Service (IAS), in the framework of its Strategic Internal Audit Plan 2018-2020 for Eurojust in 2018, issued six outstanding recommendations from the audit on 'Monitoring and Reporting/Building Blocks of Assurance', with Eurojust closing five of them; notes with satisfaction that Eurojust's risk management policy was adopted in 2018 and that the implementation plan and risk register were to be developed in 2019 and are to be implemented from 2020;

Other comments

18. Acknowledges that, following the successful completion of the move to its new premises in June 2017, the carry-over of EUR 2 339 809 predominantly concerned costs to be invoiced retroactively by the Host State in 2018; notes furthermore that in 2018 all but EUR 73 000 of those carried over commitments were delivered and paid and that the most significant part of that figure related to planned changes that were not executed by the Host State;

19. Calls on Eurojust to focus on disseminating the results of its research to the public, and to reach out to the public via social media and other media outlets;

20. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 14 May 2020 ([5]) on the performance, financial management and control of the agencies.

([4]) Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

([5]) Texts adopted, P9 TA(2020)0121.