RESOLUTION (EU) 2021/1633 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 Institute for Gender Equality 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 Institute for Gender Equality 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 Women's Rights and Gender Equality,

— having regard to the report of the Committee on Budgetary Control (A9-0072/2021),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of the European Institute for Gender Equality (the 'Institute') for the financial year 2019 was EUR 7 847 000, representing a decrease of 1,68 % compared to 2018; whereas the entire budget of the Institute derives from the Union budget;

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the European Institute for Gender Equality for the financial year 2019 (the 'Court's report'), states that it has obtained reasonable assurance that the Institute'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 98,96 %, representing a decrease of 0,42 % compared to 2018; notes that the payment appropriations execution rate was 82,50 %, representing an increase of 1,35 % compared to the previous year;

2. Acknowledges a decrease in the Institute's carry-over operating expenditure to 28,01 % in 2019 (compared to 51,29 % in 2016); notes that for the first time the carry-over is below the Court's target threshold of 30 %;

3. Notes with concern that the Institute's annual budget published in 2019 but subsequently amended did not included a portion of revenue assigned under the Instrument for Pre-Accession Assistance; notes that, according to the Court's report, under the Financial Regulation the Institute should have included that information with the necessary disclosures in its initial published budget;

Performance

4. Notes that the Institute uses certain key performance indicators in relation to operational objectives and the management of financial and human resources to assess the added value provided by its activities and to improve its budget management; further notes that the Institute completed 95,80 % of the single programming document activities in 2019; welcomes the plan to introduce specific performance indicators for measuring the performance of horizontal services;

5. Notes that the Institute cooperates with the European Union Agency for Fundamental Rights and Eurofound for research purposes and for disseminating activities; welcomes the fact that the Institute is engaged in the network of the Justice and Home Affairs agencies and that it explores further opportunities to share resources with other agencies; commends this cooperation as an example for other Union agencies worth following;

[1] OJ C 107, 31.3.2020, p. 112.

6. Calls on the Institute to continue to develop synergies, increase cooperation and exchanges of good practices with other Union agencies with a view to improving efficiency (human resources, building management, IT services and security);

7. Welcomes the release of the 2019 Gender Equality Index, which had a specific thematic focus on work-life balance and which provides new insight into the monitoring of the implementation of the European Pillar of Social Rights and its New Start initiative on work-life balance;

8. Recalls the importance of increasing the digitalisation of the Institute in terms of internal operation and management and in order to speed up the digitalisation of procedures; stresses the need for the Institute to continue to be proactive in that regard in order to avoid a digital gap between Union agencies at all costs; stresses, however, the need to take all the necessary security measures to avoid any risk to the online security of information processed;

9. Notes the scheduled preparatory work for the next external evaluation; notes that, due to the fact that the first evaluation's recommendations are still being implemented and the relative small size of the Institute, the Institute's board deferred the second external evaluation from 2020 to 2022 and decided on carrying out an evaluation every seven years; calls on the Institute to report on the developments on the postponed external evaluation and on the decision to steer away from the Commission prescription in the Common Approach to carry out an evaluation every five years; notes that the Commission has considered the postponed evaluation as duly justified;

10. Recalls that the Institute was established in order to contribute to, and strengthen the promotion of, gender equality in the Union, including gender mainstreaming in all Union policies and resulting national policies, the fight against discrimination based on gender, and raising Union citizens' awareness of gender equality;

11. Welcomes the ongoing cooperation between the Institute and Parliament's Committee on Women's Rights and Gender Equality (FEMM Committee), in particular the Institute's contribution to the ongoing efforts of the FEMM Committee concerning the impact of the Covid-19 pandemic on women, gender-based violence, work-life balance, equal pay and the pension gap, gender budgeting and the development of a gender-sensitive parliament tool; strongly supports the work of the Institute, which, by means of studies, research and high-quality data, enables the FEMM Committee to properly do its work; stresses the valuable contribution that the Institute can make to all Parliament committees in order to better integrate the gender perspective in all Union policies and encourages Parliament to establish an ever closer cooperation;

12. Welcomes the work of the Institute in 2019, in particular its analysis on gender equality in parliaments across the Union and in Parliament;

13. Supports the work of the Institute in providing important input for gender equality support in the work of the Commission, the Member States and Parliament through its relevant studies and research;

14. Welcomes the Institute's 2021-2023 Single Programming Document and its key objectives and priorities;

15. Stresses the Institute's central role in collecting, analysing, processing and disseminating data and information as regards gender equality and in developing, analysing, evaluating and disseminating methodological tools in order to support the integration of gender equality in all Union policies and resulting national policies; encourages collaboration between the Institute and other Union agencies such as the European Union Agency for Fundamental Rights, and calls on the Commission to respect the specific mission of the Institute and to refrain from merging the Institute with other Union agencies;

Staff policy

16. Notes that, on 31 December 2019, the establishment plan was 96,30 % implemented, with 26 temporary agents appointed out of 27 temporary agents authorised under the Union budget (compared to 27 authorised posts in 2018); notes that, in addition, 12 contract agents and four seconded national experts worked for the Institute in 2019;

17. Notes that, due to a pending court ruling on the use of interim workers, the Court decided to refrain from making any observation on the "other matter" paragraph until the Court of Justice of the European Union ('CJEU') has issued a final ruling; notes that on 31 December 2019 the Lithuanian Supreme Court referred six questions concerning the interpretation of Directive 2008/104/EC ([2]) to the CJEU, and that this might have an impact on the use the Agency makes of interim workers in relation to several aspects, including pay; calls on the Institute to take serious account of the ruling of the CJEU, when available, and to report back to Parliament on further developments;

18. Notes that the Institute reported one harassment case under investigation from 2018; notes that the case, regarding five former Institute employees who accused the Institute of exploiting the "temporary employee" status, is pending and that the Lithuanian Supreme Court addressed questions to the CJEU; notes that the case initially was dealt with by the Lithuanian Labour Dispute Committee, which ruled in favour of the interim staff;

19. Raises concerns about claims of former temporary agency workers regarding their rights; notes that the Lithuanian Supreme Court asked the CJEU to assess whether Directive 2008/104/EC applies to Union Agencies in their capacity as public bodies engaged in economic activities and whether they must comply in full with Article 5(1) of that Directive, which concerns the rights of temporary agency workers to basic working and employment conditions, in particular as regards pay;

20. Notes with concern the lack of gender balance on the management board (7 men and 23 women); notes with concern the lack of male representation within senior management; asks the Institute to ensure gender balance at the senior management level in the future; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Institute's management board;

21. Is concerned by the overrepresentation of one gender at all levels in the Institute and recalls that gender issues are not only relevant for women; invites the Institute to increase its efforts in achieving a better gender balance;

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

23. Calls for additional and adequate funding to be allocated to the Institute in order to increase the number and the quality of its statutory workers and to enhance the Institute's capacities in terms of research, data collection and analysis;

24. Raises concerns about irregularities found by the Court regarding the Institute's selection of external experts, namely that the procedures used for selecting and contracting external experts systematically lacked a solid audit trail; recalls that the Institute must comply with the principles of non-discrimination and equal treatment set out in Article 237 of the Financial Regulation; notes the Institute's commitment to apply improved procedures in new calls for expression of interest;

Procurement

25. Notes that 47 operational and 62 administrative procurement procedures were completed in 2019; notes that the Institute introduced procurement guidelines to improve the quality of documents and has put in place an in-house training session for newcomers and project managers; notes that in 2019 the Institute introduced e-submission;

26. Notes that the Court did not find a solid audit trail regarding the procedure used for selecting and contracting external experts or evidence that the experts had been assigned to tasks on the basis of pre-defined selection criteria which assessed their merits relative to those of other potential candidates; notes that the Court considered that the related payments were irregular; notes that the payments do not exceed the materiality threshold; notes, however, the systemic, recurring character of the error;

([2]) 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).

Prevention and management of conflicts of interest and transparency

27. Notes the Institute's existing measures and ongoing efforts to secure transparency, the prevention and management of conflicts of interest and whistleblower protection; welcomes the publication of the declarations of interest and the CVs of the members of the management board and of the Institute's senior management on its website;

Internal controls

28. Notes that the last three recommendations from the 2017 audit of the Internal Audit Service concerning stakeholder relations management and external communication were closed; notes that all recommendations and sub-recommendations from the audit of the Internal Audit Service on procurement supporting operational processes were concluded in 2019 and the last sub-recommendation was closed in early 2020;

29. Notes with concern that the Court reported that the Institute has not carried out *ex-post* controls of operations on its budgetary implementation since 2016; notes that the Court recommends a dedicated *ex-post* control programme based on specific risks;

Other comments

30. Notes the Institute's efforts to ensure a cost-effective and environmentally friendly working place; observes that the Institute nominated a green officer to reduce the impact of the Institute's operations on the environment;

31. Notes the Institute's improvement on disseminating the results of its research to the public and to reach out to the public via social media and other outlets;

32. Points out that a complex approach is needed in order to make the Union institutions' home pages accessible to persons with all kind of disabilities as provided for in Directive (EU) 2016/2102, including the availability of national sign languages; suggests that organisations representing disabled persons are involved in that process;

33. Recalls the importance for the Institute in developing greater visibility in the media and on the internet in order to make its work known;

34. Welcomes the efforts made by the Institute to appoint a green officer in order to develop an environmentally friendly working environment;

35. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ([3]) on the performance, financial management and control of the agencies.

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