RESOLUTION (EU) 2020/1980 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 Cooperation (Europol) 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 Cooperation (Europol) 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 (A9-0075/2020),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of the European Union Agency for Law Enforcement Cooperation (Europol) (the 'Agency') for the financial year 2018 was EUR 135 737 021, representing an increase of 13,84 % compared to 2017; whereas the increase was due to additional tasks expanding its mandate; whereas the Agency's budget mainly derives from the Union budget [2].

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the European Union Agency for Law Enforcement Cooperation (Europol) 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 that the budget monitoring efforts during the financial year 2018 resulted in a budget implementation rate of 96,10 %, representing a slight decrease of 3,62 % compared to 2017; notes that the payment appropriations execution rate was 86,92 %, representing a decrease of 2,09 % compared to 2017;

2. Welcomes the information provided by the Agency on the tasks and budgetary implications of its EU internet Referral Unit (EU IRU); notes that the activity-based management planning for the EU IRU was EUR 4 860 000 in 2019, which was composed of: (a) EUR 3 710 000 for direct staff-related expenditure (covering 38 members of staff: 26 temporary agents, four contract agents and eight seconded national experts), (b) EUR 1 150 000 covering operational expenditure, running costs and a grant of EUR 510 000 in 2019 (from which seven additional contract agents were funded, bringing the total number of EU IRU staff to 45); notes that those figures do not include the separate costs for the development of ICT operational systems at organisational level;

Performance

3. Notes with satisfaction that the Agency monitored its performance by means of 38 key performance indicators, 51 other performance indicators and the implementation of around 170 specific actions planned in its work programme, with the performance reporting framework aimed in general at assessing the added value of the Agency's activities and at enhancing its budget management;

4. Notes that the Agency achieved 78 % of the targets set for performance indicators and that it progressed in the implementation of 79 % of the actions contained within the 2018 work programme (compared to 80 % in 2017);

[1] OJ C 416, 15.11.2018, p. 46.
[2] OJ C 416, 15.11.2018, p. 48.

5. Notes that the Agency has continued focusing on operational analysis and first-line response speed, including the processing of contributions, while continuing to provide proactive support to high-profile investigations regarding the three areas which pose a continuous threat to the internal security of the Union, namely cybercrime, serious and organised crime and terrorism;

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

7. Notes with appreciation that in 2018 the Agency continued to carry out joint activities or shared services with other Union agencies, including Eurojust, the European Border and Coast Guard Agency, the European Asylum Support Office and the European Monitoring Centre for Drugs and Drug Addiction and that the Agency joined 10 inter-institutional and one inter-agency procurement procedures; deems it necessary for the Agency to further develop strong ties with other relevant Union institutions; encourages the Agency to explore ways of sharing resources or staff, or both, allocated to overlapping tasks with other agencies which perform similar activities or with agencies based within the Agency's proximity;

8. Notes that following its continuous operational cooperation with other Justice and Home Affairs (JHA) agencies, the Agency took over the chair of the JHA agencies' network in 2019, which addresses joint work on the further development of JHA agencies' cooperation, including on the aspects of interoperability of Union information systems, innovation, good governance arrangements (including a whistleblowing best practice survey in JHA agencies), diversity and inclusion, as well as interaction and scope for further cooperation with non-JHA agencies;

9. Calls on the Commission to conduct a feasibility study in order to assess the possibility of, at the very least, setting up shared synergies with the European Union Agency for Law Enforcement Training ('CEPOL'), if not of fully merging them; calls upon the Commission to evaluate two scenarios: the transfer of the Agency to CEPOL's headquarters in Budapest and the transfer of CEPOL's headquarters to the Agency's headquarters in The Hague; 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 infrastructure, thus saving huge amounts of money which would be used to fund both agencies further;

10. Notes that the number of operations that the Agency supported grew from 1 496 in 2017 to 1 748 in 2018 (representing an increase of 16,8 %) and that operational meetings funded by the Agency increased from 403 in 2017 to 427 in 2018 (representing an increase of 5,9 %); highlights the importance and added value of the Agency, in particular of the joint investigation teams (the 'JITs'), in the fight against organised crime across Europe; notes, in that regard, that the JITs supported by the Agency increased from 64 in 2017 to 93 in 2018 (representing an increase of 45 %), with 27 of the JITs requiring coordination amongst more than 20 countries ([3]); notes that the increase in the Agency's budget corresponds to an intensification of all its operations, including supporting cooperation in the field of cybercrime and the fight against terrorism online; underlines the importance of adequate funding and resources for JITs in line with the sharp increase in their levels of activity;

11. Requests the Agency to make financial resources for translations available to the extent possible and urges the budgetary authority to provide sufficient financial resources to allow for the translation of the Agency's official reports into all official languages of the Union, given the importance of its work for Union citizens, the obligation to ensure transparency with regard to its activities and the fact that the Joint Parliamentary Scrutiny Group composed of national and European parliamentarians from all Member States should be able to do its work properly; invites the Commission and the Agency to establish a cooperation framework with the Translation Centre for the Bodies of the European Union in order to reduce the financial burden regarding translation;

Staff policy

12. Notes that on 31 December 2018 the establishment plan was 96,35 % executed, with 555 temporary agents appointed out of 576 temporary agents authorised under the Union budget (compared with 550 authorised posts in 2017); notes that, in addition, 201 contract agents and 153 seconded national experts worked for the Agency in 2018;

([3]) https://www.europol.europa.eu/sites/default/files/documents/europolinbrief2019.pdf

13. Notes the uneven gender balance reported for 2018 among the senior managers – 145 men and 27 women, with 43 men and 10 women on the management board;

Public procurement

14. Notes with concern that, according to the Court's report, the Agency irregularly prolonged the duration of a framework contract for the provision of business travel services by signing amendment number 2 after the contract had expired and that, with that same amendment, the Agency also introduced new price aspects not covered by the competitive procurement procedure, rendering amendment number 2 and related 2018 payments irregular; notes the Agency's reply that the framework contract extension had been initiated well in advance of its expiry and that the delay for the extension of the contract was due to the application of the principle of sound financial management; calls on the Agency to strengthen accordingly contract management and *ex ante* controls;

Prevention and management of conflicts of interest and transparency

15. Notes the Agency's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest and whistleblower protection; notes the potential conflict of interest case identified concerning a recruitment procedure in 2018; notes that no follow-up action was needed as the adviser recused himself; welcomes the declarations of interest, based on the Agency's new model template, that have since been published on the Agency's website, both in relation to its executive director and deputy executive directors and the members of its management board;

16. Regrets that a recent comparative study by Parliament's Committee on Petitions ([4]) established that the Agency's conflict of interest policies are the 'least detailed compared to those of the other agencies'; acknowledges that this is due, in particular, to the fact that the Agency does not have any scientific committees or panels; regrets, however, that the Agency uses neither a system to categorise interest levels nor a blacklist;

Internal controls

17. Notes that in May 2017 the Commission's Internal Audit Service, supported by the Internal Audit Capability, performed a risk assessment and that none of the 36 process areas reviewed were graded 'Enhance risk mitigation';

18. Notes that the Commission's Internal Audit Service issued an audit report entitled 'Human Resources Management and Ethics in EUROPOL' and has prepared an action plan to address any potential areas for improvement; calls on the Agency to report to the discharge authority on developments in that regard;

19. Calls on the Agency 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. Welcomes the fact that the Agency has no outstanding recommendations to be implemented from the Court's audit reports in previous financial years; the Agency has since addressed the single observation of the Court concerning the 2017 financial year with respect to the publication of vacancy notices on the website of the European Personnel Selection Office;

21. 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]) https://www.europarl.europa.eu/RegData/etudes/STUD/2020/621934/IPOL_STU(2020)621934_EN.pdf
([5]) Texts adopted, P9_TA(2020)0121.