RESOLUTION (EU) 2021/1588 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 Union Agency for Criminal Justice Cooperation (Eurojust) (before 12 December 2019: Eurojust) 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 Union Agency for Criminal Justice Cooperation (Eurojust) 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 (A9-0101/2021),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of European Union Agency for Criminal Justice Cooperation (Eurojust) (the 'Agency') for the financial year 2019 was EUR 38 954 265, representing an increase of 0,90 % compared to 2018; whereas the Agency's budget derives almost exclusively from the Union budget;

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2019 (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 budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,88 %, representing a slight decrease of 0,05 % compared to 2018; notes that the execution rate of payment appropriations was 90,61 %, representing an increase of 3,70 % in comparison to 2018;

2. Notes that in 2019 the Agency's budget was EUR 38 100 000, EUR 3 000 000 less than the Agency's request for 2019; observes that consequently, the Agency submitted an amending budget request to the Commission to meet the shortfall in respect of temporary and contract staff salaries; notes that the Commission approved a transfer of EUR 777 000 to the Agency in October 2019; highlights that pending the outcome of the request, mitigating measures were put in place, delaying a number of activities; calls on the Commission to enhance its discussions with the Agency ahead of future annual budgetary allocations;

Performance

3. Notes that the Agency uses certain tools such as key performance indicators (KPIs) to assess the added value provided by its activities and other tools to improve its budget management, such as the increase in the number of references to the Agency in Union documents, the percentage of written formal and informal contributions to Union draft legislation accepted by the Union institutions, and budget implementation; notes that the Agency defined 90 KPIs in the 2019 Annual Work Programme representing a reduction of 24 % of the KPIs compared to the KPIs defined in the 2018 Annual Work Programme; notes that the achievement rate of the 65 KPIs that were relevant, measurable and possible to assess was 71 % and that the remaining 29 % was not achieved due to reasons outside of the Agency's control, thus re-evaluation of the use of these KPIs will be made in future annual work programmes;

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

[1] OJ C 430, 20.12.2019, p. 1.

5. Notes that on 12 December 2019, with the application of Regulation (EU) 2018/1727 as its new legal basis, the Agency officially became the European Agency for Criminal Justice Cooperation (Eurojust); notes with appreciation that throughout 2019, the Agency ensured that all major impact changes brought by the new legal framework were implemented in a timely manner;

6. Notes that the Phase II of the Agency's organisational restructuring was completed in January 2019 and that in the course of 2019 the Agency consolidated the new structure by providing training to staff in their new roles and facilitating workshops to assist the new units in defining their mission statements;

7. Stresses the important role of the Agency in assisting competent authorities of the Member States in the prosecution of cross-border serious and organised crime;

8. Highlights that during 2019, assistance from the Agency was required in 7 804 cross-border criminal investigations, an increase of 17 % compared to 2018, with 3 892 of those investigations being new cases opened in 2019, an increase of 9 % compared to 2018; recalls that the Agency's casework has increased significantly over the years, not only in numbers, but also in complexity, and that this increase is expected to continue in the coming years; stresses the essential role that the Agency 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; notes that the first Commission proposal of the 2020 budget indicated a significant shortfall compared to the Agency's projected needs; supports the Agency's advocacy to be provided with the necessary resources to fulfil its mandate in the security chain;

9. Highlights the continuous increase in the total number of cases supported by the Agency in the past five years and stresses the recent trend of cases referred to the Agency becoming more and more complex and requiring support over longer periods; highlights that working together through the Agency in 2019, national judicial and law enforcement authorities brought trade in illicit drugs worth EUR 2,7 billion to a halt, and about EUR 2 billion in criminal assets were seized or frozen; highlights that the workload is expected to increase further due to the new, strengthened mandate which entered into force in 2019 ([2]); highlights that the number of coordination centres held in 2019 increased from 17 to 20 (+ 19 %), demonstrating the popularity and utility of this operational tool; stresses the essential role that the Agency plays in supporting and coordinating the work of national judicial authorities in investigating and prosecuting transnational crime;

10. Notes that the Agency 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 the Agency also cooperated with the European Anti-Fraud Office and European Union Intellectual Property Office with regard to ongoing cases; notes that the Agency also participated in joint procurement procedures with Europol and the European Medicines Agency; welcomes the fact that the Agency started the preparatory work for implementing the relationship with the newly created European Public Prosecutor's Office (EPPO), in anticipation of EPPO's operationalisation;

11. Calls on the Agency to continue to increase cooperation and the exchange of good practices with other Union agencies with a view to improve efficiency in the areas of human resources, building management, IT services and security;

Staff policy

12. Notes that, on 31 December 2019, the establishment plan was 98,08 % implemented, with 204 temporary agents appointed out of 208 temporary agents authorised under the Union budget (compared to 209 authorised posts in 2018); notes that, in addition, 17 contract agents and 16,5 out of 21 full-time equivalent seconded national experts worked for the Agency in 2019;

13. Notes with concern that the reported figures for gender balance within the college for 2019 are 17 male members and 10 female members; asks the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's college;

([2]) 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).

14. Takes note of the Agency's existing measures and ongoing efforts to prevent harassment; notes that, in the course of 2019, 12 members of staff approached a confidential counsellor for advice resulting in the initiation of two informal procedures; notes that two alleged harassment cases without prior involvement of the confidential counsellors were reported in 2019 and that an inquiry was to be concluded in 2020; calls on the Agency to report to the discharge authority on the findings of the inquiry;

15. Welcomes the Agency's efforts to build a more diverse and inclusive work environment and culture by taking actions in favour of persons with disabilities; asks the Agency to assess the possibilities of further strengthening and integrating the principles of equal opportunities in recruitment, training, career development, working conditions as well as to raise staff awareness of those aspects; and on the possible reasonable improvements and modifications of the Agency' buildings (access, adequate office equipment) for persons with reduced mobility or other disabilities;

16. Welcomes the completion of the previous Court's observation concerning the publication of vacancy notices not only on the Agency's website and social media, but also on the website of the European Personnel Selection Office;

17. Encourages the Agency 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 the recruitment and integration of persons with disabilities;

Procurement

18. Notes with regard to the follow-up of the Court's findings for the previous year, that the Agency signed an IT framework contract with a company that 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 the Agency; acknowledges from the Agency's previous reply that the negotiated procedure was done on the basis of Article 134 (f) of the Rules of Application of the Commission Delegated Regulation (EU) 2015/2462 ([3]), which allow that procedure to be used where a change of supplier would result in incompatibility or disproportionate technical difficulties in operation and maintenance and hence the solution was considered the most cost-effective; notes however, that the Agency acknowledged that the supporting documentation for the contract did not adequately substantiate the use of this procedure and that it is committed to ensure that any such future procedures would be more robustly justified; calls on the Agency to ensure full compliance with public procurement rules and complete the outstanding Court's observation;

Prevention and management of conflicts of interest and transparency

19. Acknowledges the Agency's existing measures and its ongoing efforts to secure the transparency, prevention and management of conflicts of interest; notes that the executive board adopted Decision 2020-07 of 15 June 2020 of the updated Agency's anti-fraud strategy that underlines the need to raise awareness on the internal rules of the Agency on ethics and, in particular, on conflicts of interest; notes that the Agency's guidelines on whistleblowing were amended by the college of the Agency in January 2019 and that the review of those guidelines is ongoing and was expected to be finalised in 2020; notes that a code of ethics for members of the college and the executive board was adopted by College Decision 2020-09 of 15 December 2020;

20. Deplores the fact that, by the end of February 2021, the CVs and declarations of interest of the members of the executive board, Agency presidency and administrative director are still not published on the Agency's website, in spite of an announcement that declarations of interest would be available online as of 15 February 2021; calls on the Agency to publish the CVs and declarations of interest and to report to the discharge authority on the measures taken in this regard;

([3]) Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 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 342, 29.12.2015, p. 7).

21. 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;

22. 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;

Internal Controls

23. Notes that by the Agency's College Decision 2019-16 of 10 December 2019, the revised internal control framework of the Agency was adopted; notes that in 2019, the Agency carried out the assessment of the implementation of its internal control standards and the results included a set of internal recommendations on the gaps identified, which have been taken into account for the assessment of the state of the internal controls in 2019;

24. Notes that the internal audit service (IAS) issued seven recommendations, none of which were considered critical, from the audit on 'Cooperation with Europol', and that the action plan to implement the recommendations was submitted to the IAS in July 2019 and has been monitored quarterly; notes that the Agency has two open recommendations from the IAS as regards the audit on activity based management; notes that the Agency has submitted updated input on the progress achieved to the IAS, marking 8 out of the 9 outstanding recommendations implemented and ready for assessment by the IAS and final closure; calls on the Agency to report to the discharge authority on the progress made;

Environment management

25. Notes with appreciation that Agency's building received the sustainability label 'very good' and the Agency monitors the energy and water consumption trends with the aim to adjust practices and reduce consumption; welcomes the fact that in addition, the Agency recycles reusable items and office supplies, and promotes the use of electronic alternatives to paper;

Other comments

26. Notes that, regarding cooperation with the UK after the entry into force of the withdrawal agreement, the Agency monitored the negotiations and identified the areas of impact and possible scenarios; notes that the UK was the country with the fifth largest number of cases assisted by the Agency;

27. Encourages the Agency to continue promoting its activities to increase the public visibility thereof;

28. Welcomes Agency's new rules of procedure, its new rules on data protection, the closer cooperation with the Commission, the strategy specifying third states and international organisations, the cooperation agreement with Denmark, the setting up of an executive board, the preparatory work for implementing an effective cooperation between the Agency and the EPPO, and the alignment of budget planning timelines and deliverables.

29. Stresses the importance to increase the digitalisation of the Agency in terms of internal operations and management procedures and the need for the Agency 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;

30. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ([4]) on the performance, financial management and control of the agencies.

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