

## **FINAL COMPROMISE AMENDMENTS DISCHARGE 2020**

**All agencies -2021/2157(DEC)**

**AMs: 33**

Covered: AM 1 S&D, AM 2 EPP, AM 3 Greens, AM 4 EPP, AM 5 Renew, AM 6 EPP, AM 7 EPP, AM 9 S&D, AM 12 S&D, AM 13 EPP, AM 14 EPP, AM 15 The Left, AM 16 EPP, AM 17 The Left, AM 18 EPP, AM 20 Greens, AM 21 EPP, AM 22 Renew, AM 23 Renew, AM 24 Greens, AM 25 Greens, AM 26 Renew, AM 27 Renew, AM 28 Greens, AM 29 Renew, AM 30 Renew, AM 31 Renew, AM 32 Renew AM 33 Renew

Fall: -

Not covered in the compromise amendments: AM 8 Greens, AM 10 the Left, AM 11 Greens, AM 19 ECR

Updated: 4/02/2022

### **CA 1**

Covered: AM 1 S&D, AM 2 EPP, AM 6 EPP, AM 7 EPP, AM 22 Renew, AM 33 Renew

***-1a (new) Reiterates the important role of the Union's justice and home affairs (JHA) agencies and of the European Data Protection Supervisor (EDPS), and the important support they provide to the Union institutions, bodies, offices and agencies, and to the Member States in the areas of fundamental rights, security and justice by carrying out operational, analytical, managerial and monitoring tasks; reiterates, therefore, the need to ensure adequate financial and human resources to the JHA agencies and EDPS (AM 1 S&D) to enable them to fulfil their mandates in a fully transparent manner and in full compliance with fundamental rights (AM 33 Renew);***

1. Welcomes the fact that the Court of Auditors (the Court ) declared that, overall, the audit of the annual accounts of the agencies for the year ended 31 December 2020 and the revenue and payments underlying them confirmed the positive results reported in previous years and that the Court confirmed the legality and regularity of the annual accounts of all justice and home affairs (JHA) agencies and the revenue underlying those accounts for the financial year 2020;

***1 a (new) Highlights that Union agencies should focus on missions with clear European added value and activities and that organisation of such missions should be optimised to avoid overlaps in the best interest of the Union taxpayers; (AM 2 EPP)***

***1 b (new) Notes the Court's recommendation that the agencies' implementation of the budget should be subject to effective and efficient internal controls which should include ex-ante controls aimed at preventing errors and irregularities before operations are authorised; (AM 6 EPP)***

***1 c (new) Notes the Court's observation about excessive levels of carry-overs, in particular for eu-LISA, FRA and Frontex, and the recommendation that the agencies should further improve their budget planning and implementation cycles; (AM 7 EPP)***

*1 d (new) Notes that the Court did not audit the 2020 accounts of the European Public Prosecutor's Office ('EPPO'), as EPPO only launched its operations on 1 June 2021; (AM 22 Renew)*

## **CA 2**

Covers: AM 3 Greens, AM 4 EPP, AM 5 Renew

2. *Notes (AM 4 EPP) that the Court found that the payments underlying the accounts were legal and regular for all agencies except for eu-LISA, for which a qualified opinion was issued because of two payments that were not compliant with the provisions of framework contracts, amounting in total to EUR 10 405 074, representing 4,1 % of the total payment appropriations available in 2020; acknowledges eu-LISA's reply that the largest irregular payment was connected to a specific contract (AM 3 Greens) and that it was a matter of administrative nature that eu-LISA did not amend the relevant framework contract on time (AM 5 Renew); underlines that following the issuance of the Court observation, eu-LISA responded promptly, signing an amendment to the framework contract in order to rectify the initial omission;*

## **CA 3**

Covered: AM 12 S&D, AM 13 EPP, AM 14 EPP, AM 27 Renew

4. *Appreciates all the efforts made by the Union agencies to keep the high standard of their outputs, despite limitations posed by the COVID-19 pandemic; (AM 13 EPP) notes with satisfaction the joint paper on the COVID-19 response by the JHA agencies, which captures the agencies' individual and joint efforts to deal with the impact of the pandemic; welcomes the JHA agencies' replies to the COVID-19 pandemic which led to unprecedented challenges for all; notes the Court review of COVID-19 responses by the agencies which focused on three main areas (implementation of business continuity measures, day to day operations and recruitment procedures, and measures taken to support wellbeing of staff); (AM 14 EPP) welcomes, furthermore, the Court's finding that Union agencies, including JHA agencies, adapted well to the COVID-19 unprecedented situation by activating business continuity plans in good time to ensure key governance processes' continuation and staff's well-being; (AM 12 S&D) notes, however, that EASO did not have approved business continuity plan at the outset of the pandemic; (AM 14 EPP)*

*4 a (new) Welcomes the cooperation within the JHA Agencies Network; calls on the JHA agencies to continue to develop synergies, increase cooperation and exchange good practices between them with a view to improving efficiency; (AM 27 Renew)*

## **CA 4**

Covered: AM 9 S&D, AM 26 Renew

*4 b (new) Welcomes the fact that the Court has declared that in most cases the Union agencies have taken corrective actions to address previous years' audit observations and calls on the JHA agencies to continue their efforts to follow up on the Court's observations (AM 26 Renew) in particular in the fields of internal control, public procurement procedures and budgetary management (AM 9 S&D);*

## **CA 5**

Covered: AM 17 The Left, AM 21 EPP, AM 25 Greens, AM 31 Renew

*4 c (new) Stresses the importance of ensuring gender balance in the governing bodies of all Union agencies (AM 17 The Left); reiterates that there is a persisting significant gender imbalance on the management boards of several JHA agencies; (AM 31 Renew) regrets the lack of gender balance and diversity within the staff of some JHA agencies (AM 25 Greens); notes that some agencies resorted to take measures to achieve gender balance in senior management when positions became vacant; (AM 21 EPP) underlines that the responsibility for nominating members to the management boards lies with authorities of the Member States and not with the Union agencies; calls, therefore, on the agencies to remind the Member States proactively of the importance of gender balance (AM 31 Renew) and to work on reaching gender balance in senior management (AM 21 EPP) as well as on all levels of staff and to report to the discharge authority on implemented measures and on progress (AM 25 Greens); calls on Member States to ensure gender balance when nominating members to the management boards (AM 31 Renew);*

## **CA 6**

Covered: AM 15 The Left, AM 20 Greens, AM 29 Renew, AM 32 Renew

*5 a (new) Calls on all JHA agencies to take measures to ensure full compliance with Union transparency rules as well as with fundamental rights and data protection standards; calls upon them to comply with financial regulations and high management standards; (AM 15 The Left, AM 29 Renew) considers that the disclosure of meetings and interactions between JHA agencies and third parties would ensure enhanced transparency by JHA agencies, provided that this is done in a manner that does not put operations at risk; encourages the JHA agencies to step up efforts in this direction; (AM 20 Greens)*

*5 b (new) Recalls the need for horizontal guidance from the Commission to Union bodies on how to calculate contributions from third countries consistently in order to increase accountability and transparency, as pointed out by the Court; (AM 32 Renew)*

## **CA 7**

Covered: AM 18 EPP, AM 24 Greens

*5 c (new) Calls on all JHA agencies to take into account sustainability in their overall business processes in order to improve the agencies' environmental performance and to report to the discharge authority on implemented measures and progress; (AM 24 Greens)*

*5 d (new) Calls on the Union agencies to continue presenting and publishing the results of their work and activities to citizens in order to increase general knowledge about their existence; (AM 18 EPP)*

## **CA 8**

Covered: AM 28 Greens, AM 30 Renew

*5 e (new) Calls on all JHA agencies to promote and ensure diversity in its recruitment policy; urges all JHA agencies to develop internal policies and practices to ensure inclusiveness and diversity, and to prevent any type of discrimination; invites the Court to systematically inform about those issues in its future reports; (AM 30 Renew) urges all JHA agencies to implement a clear anti-harassment policy to prevent and firmly condemn harassment any (AM 28 Greens) within their organisations; underlines the detrimental effect of a high staff turnover within some of the Union agencies and calls for the implementation of human resources and social policies to remedy it; calls for the dependency on external recruitment to be addressed; notes the outcome of case C-948/19<sup>1a</sup> before the Court of Justice of the European Union; (AM 30 Renew)*

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*<sup>1a</sup> Judgment of the Court (Second Chamber) of 11 November 2021 in case C-948/19, UAB „Manpower Lit“ v E.S. and Others, ECLI:EU:C:2021:906*

### **CA 9**

Covered: AM 16 EPP, AM 23 Renew

*5 f (new) Notes the Court's observation regarding an increase in weaknesses concerning human resources management, related in particular to recruitment procedures such as vacant managerial post for excessive period (EASO) and to management of grades for new staff members (Frontex); (AM 16 EPP)*

*5 g (new) Recalls the importance of establishing and maintaining an active dialogue between the Commission and the decentralised agencies over the allocation of appropriate resources and the design of the respective establishment plans, especially with regards to the grade at which posts are allocated; (AM 23 Renew)*