



EUROPEAN PARLIAMENT

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*Committee on Budgetary Control*

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**2012/2185(DEC)**

27.2.2013

# **AMENDMENTS**

## **1 - 24**

**Draft report**  
**Gerben-Jan Gerbrandy**  
(PE497.849v01-00)

on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2011  
(C7-0247/2012 – 2012/2185(DEC))

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PE497.850v01-00



**Amendment 1**  
**Gerben-Jan Gerbrandy**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. ... the Director of the European Union Agency for Fundamental Rights discharge in respect of the implementation of the Agency's budget for the financial year 2011;

*Amendment*

1. ***Grants*** the Director of the European Union Agency for Fundamental Rights discharge in respect of the implementation of the Agency's budget for the financial year 2011;

Or. en

**Amendment 2**  
**Inés Ayala Sender**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. ... the Director of the European Union Agency for Fundamental Rights discharge in respect of the implementation of the Agency's budget for the financial year 2011;

*Amendment*

1. ***Grants*** the Director of the European Union Agency for Fundamental Rights discharge in respect of the implementation of the Agency's budget for the financial year 2011;

Or. en

**Amendment 3**  
**Philip Bradbourn, Ryszard Czarnecki**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. ... the Director of the European Union Agency for Fundamental Rights discharge in respect of the implementation of the

*Amendment*

1. ***Postpones its decision on granting*** the Director of the European Union Agency for Fundamental Rights discharge in

Agency's budget for the financial year 2011;

respect of the implementation of the Agency's budget for the financial year 2011;

Or. en

**Amendment 4**  
**Gerben-Jan Gerbrandy**

**Proposal for a decision 2**  
**Paragraph 1**

*Proposal for a decision*

1. ... the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

*Amendment*

1. ***Approves*** the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

Or. en

**Amendment 5**  
**Inés Ayala Sender**

**Proposal for a decision 2**  
**Paragraph 1**

*Proposal for a decision*

1. ... the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

*Amendment*

1. ***Approves*** the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

Or. en

**Amendment 6**  
**Philip Bradbourn, Ryszard Czarnecki**

**Proposal for a decision 2**  
**Paragraph 1**

*Proposal for a decision*

1. ... the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

*Amendment*

1. ***Postpones*** the closure of the accounts of the European Union Agency for Fundamental Rights for the financial year 2011;

Or. en

**Amendment 7**  
**Georgios Stavrakakis**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. ***Takes note*** that the Court of Auditors did not make any critical remarks in its report;

*Amendment*

3. ***Welcomes the fact*** that the Court of Auditors did not make any critical remarks in its report;

Or. en

**Amendment 8**  
**Monica Luisa Macovei, Petri Sarvamaa**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3 a. Acknowledges that in 2011 the Agency committed 100 % of the appropriations received; observes however that in terms of paid appropriations the Agency's execution rate stands at 75% under Title II (Administrative expenditure) and at only 27% under Title III (Operational expenditure); calls on the Agency to implement specific measures to improve its budgeting process and execution rate of payment in the case of administrative and operational expenditure;***

**Amendment 9**  
**Gerben-Jan Gerbrandy**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding ***whistleblowing and labour disputes in the Agency***, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, which is based on allegations regarding ***one of the whistleblowers***;

*Amendment*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding ***allegation of psychological harassment, rejection of an application for a post and a non-extension of a contract of an agent***, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, which is based on allegations regarding ***failure to investigate properly the complainant's allegations of psychological harassment and incorrect storage of documents***;

Or. en

**Amendment 10**  
**Monica Luisa Macovei**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding whistleblowing and labour disputes in the Agency, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, which is based on allegations ***regarding*** one of the whistleblowers;

*Amendment*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding whistleblowing, ***harassment*** and labour disputes in the Agency, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, which is based on allegations ***expressed by*** one of the whistleblowers;

Or. en

**Amendment 11**  
**Georgios Stavrakakis**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding whistleblowing and labour disputes in the Agency, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, ***which is based on allegations regarding one of the whistleblowers;***

*Amendment*

4. Notes that in 2012, there were three cases dealt by the Court of Justice of the European Union regarding whistleblowing and labour disputes in the Agency, and that on 6 July 2011, the Ombudsman opened Case 0917/2011/ (PMC) EIS, regarding ***human resources issues;***

Or. en

**Amendment 12**  
**Monica Luisa Macovei**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Notes that in one of the cases referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant (judgement of 18 September 2012 ***in Case F-58/10, Timo Allgeier v European Union Agency for Fundamental Rights which annulled the Agency's decision of 16 October 2009*** and ordered it to pay legal fees and damages to ***Mr Allgeier***), while in case F-112/10 (***Cornelia Trentea v European Agency for Fundamental Rights***) the Tribunal decided in favour of the Agency; in case F-38/12 (***BP v European Agency for Fundamental Rights***) judgement is pending;

*Amendment*

5. Notes that in one of the cases referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant ***in Case F-58/10*** (judgement of 18 September 2012) ***and annulled the Agency's decision of 16 October 2009 not to bring disciplinary proceedings against two members of staff for alleged psychological harassment due to the lack of impartiality on the part of the investigator and his refusal to guarantee the anonymity of the witnesses*** and ordered it to pay damages to ***the applicant*** and the costs; ***notes that*** in case F-112/10 ***the Tribunal decided in favour of the Agency but the applicant brought an appeal before the General Court against the judgment while*** in case F-38/12 judgement is pending;

**Amendment 13**  
**Gerben-Jan Gerbrandy**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Notes that in *one of the cases* referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant (judgement of 18 September 2012 in Case F-58/10, **Timo Allgeier v European Union Agency for Fundamental Rights** which annulled the Agency's decision of 16 October 2009 and ordered it to pay legal fees and damages to **Mr Allgeier**), while in case F-112/10 (**Cornelia Trentea v European Agency for Fundamental Rights**) the Tribunal decided in favour of the Agency; in case F-38/12 (**BP v European Agency for Fundamental Rights**) *judgement is pending*;

*Amendment*

5. Notes that in *the first case* referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant (judgement of 18 September 2012 in Case F-58/10) which annulled the Agency's decision of 16 October 2009 and ordered it to pay damages to *the applicant and the costs*), while in *the second* case F-112/10 (*judgement of 11 December 2012*) the Tribunal decided in favour of the Agency, *after which the applicant lodged an appeal*; in case F-38/12 *a judgement is pending, however, the Court dismissed the application for interim measures in this case by its order of 14 June 2012*;

**Amendment 14**  
**Georgios Stavrakakis**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Notes that in one of the cases referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant (judgement of 18 September 2012 in Case F-58/10, **Timo Allgeier v European Union Agency for Fundamental Rights** which annulled the Agency's decision of 16 October 2009 and ordered it to pay legal fees and damages to Mr

*Amendment*

5. Notes that in one of the cases referred to in paragraph 4, the European Union Civil Service Tribunal decided in favour of the applicant (judgement of 18 September 2012 in Case F-58/10, **Timo Allgeier v European Union Agency for Fundamental Rights** which *on procedural grounds* annulled the Agency's decision of 16 October 2009 and ordered it to pay



Allgeier), while in case F-112/10 (Cornelia Trentea v European Agency for Fundamental Rights) the Tribunal decided in favour of the Agency; ***in case F-38/12 (BP v European Agency for Fundamental Rights) judgement is pending;***

damages to ***the applicant*** and the costs), while in case F-112/10 (Cornelia Trentea v European Agency for Fundamental Rights) the Tribunal decided in favour of the Agency ***and ordered the applicant to pay the costs incurred by the Agency;***

Or. en

**Amendment 15**  
**Monica Luisa Macovei**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

***5 a. Given the reputational risks at stake, urges the Agency to inform the discharge authority in details on the rules of procedure, legal framework and hearing modalities established for the launch and conduction of internal investigations and the protection of witnesses' anonymity in the occurrence of such internal investigations;***

*(Justification: the explanations provided by the Executive Director of the Agency on this particular issue at the hearing on the 2011 discharge of the decentralised agencies organised by the Budgetary Control Committee on 24 January 2013 were not informative enough and require further details)*

Or. en

**Amendment 16**  
**Gerben-Jan Gerbrandy**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. ***Is concerned by the fact*** that in December 2012, the European Anti-Fraud Office (OLAF) opened an investigation ***into alleged irregularities in the Agency as a result of allegations made by one of the applicants in the above-mentioned court cases***; requests that the Agency inform the discharge authority on the results of both the OLAF investigation and the Ombudsman case;

*Amendment*

6. ***Notes*** that in December 2012, the European Anti-Fraud Office (OLAF) opened an investigation; requests that the Agency inform the discharge authority on the results of both the OLAF investigation and the Ombudsman case;

Or. en

**Amendment 17**

**Philip Bradbourn, Andrea Češková, Ryszard Czarnecki**

**Motion for a resolution**

**Paragraph 6**

*Motion for a resolution*

6. Is concerned by the fact that in December 2012, the European Anti-Fraud Office (OLAF) opened an investigation into alleged irregularities in the Agency as a result of allegations made by one of the applicants in the above-mentioned court cases; ***requests*** that the Agency inform the discharge authority on the results of both the OLAF investigation and the Ombudsman case;

*Amendment*

6. Is concerned by the fact that in December 2012, the European Anti-Fraud Office (OLAF) opened an investigation into alleged irregularities in the Agency as a result of allegations made by one of the applicants in the above-mentioned court cases; ***requires*** that the Agency inform the discharge authority on the results of both the OLAF investigation and the Ombudsman case;

Or. en

**Amendment 18**

**Monica Luisa Macovei**

**Motion for a resolution**

**Paragraph 7**

*Motion for a resolution*

7. Acknowledges that ***according to*** the Agency, ***it takes the issue of staff well-being and satisfaction very seriously and, every two years, launches an anonymous well-being survey among staff; acknowledges, moreover, that it has*** introduced an anti-harassment policy and a network of confidential counsellors in order to minimise situations of conflict in the workplace and to address ***such allegations*** in a comprehensive manner;

*Amendment*

7. Acknowledges that ***every two years*** the Agency ***launches an anonymous well-being survey among staff; notes in particular from the 2012 survey that concerns have been raised regarding the handling of in-house conflicts and the attention paid to the*** well-being ***of the*** staff; ***takes note that the Agency*** introduced an anti-harassment policy and a network of confidential counsellors in order to minimise situations of conflict in the workplace and to address ***them*** in a comprehensive manner;

Or. en

**Amendment 19**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. ***Acknowledges*** that according to the Agency, it takes the issue of staff well-being and satisfaction very seriously and, every two years, launches an anonymous well-being survey among staff; ***acknowledges***, moreover, that it has introduced an anti-harassment policy and a network of confidential counsellors in order to minimise situations of conflict in the workplace and to address such allegations in a comprehensive manner;

*Amendment*

7. ***Notes*** that according to the Agency, it takes the issue of staff well-being and satisfaction very seriously and, every two years, launches an anonymous well-being survey among staff; ***notes also***, moreover, that it has introduced an anti-harassment policy and a network of confidential counsellors in order to minimise situations of conflict in the workplace and to address such allegations in a comprehensive manner; ***urges the Agency to act on the recommendations made by the Court of Auditors with regard to the problems detected and to take all the necessary steps to ensure that these problems do not reoccur under any circumstances;***

Or. es

**Amendment 20**  
**Gerben-Jan Gerbrandy**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Notes that on 12 and 14 December 2012, the Agency presented to its Executive Board and to its Management Board the draft rules on whistleblowing; notes that the decision was taken to adopt those rules formally after consultation with the Commission services; notes that in the meantime, the Agency *follows* the principles of the Commission guidelines; calls on the Agency to inform the discharge authority *when the rules will be adopted*;

*Amendment*

8. Notes that on 12 and 14 December 2012, the Agency presented to its Executive Board and to its Management Board the draft rules on whistleblowing; notes that the decision was taken to adopt those rules formally after consultation with the Commission services; notes that in the meantime, the Agency *adopted* the principles of the Commission guidelines; calls on the Agency to inform the discharge authority *on the implementation of the rules*;

Or. en

**Amendment 21**  
**Monica Luisa Macovei**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Notes that on 12 and 14 December 2012, the Agency presented to its Executive Board and to its Management Board the draft rules on whistleblowing; notes that the decision was taken to adopt those rules formally after consultation with the Commission services; notes that *in the meantime, the Agency follows the principles of* the Commission guidelines; calls on the Agency to inform the discharge authority when the rules will be adopted;

*Amendment*

8. Notes that on 12 and 14 December 2012, the Agency presented to its Executive Board and to its Management Board the draft rules on whistleblowing; notes that the decision was taken to adopt those rules formally after consultation with the Commission services; notes that the Commission guidelines *apply and* calls on the Agency to inform the discharge authority when the rules will be adopted *and implemented*;

Or. en

**Amendment 22**  
**Philip Bradbourn, Ryszard Czarnecki**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8 a. Is convinced that merger of the European Institute for Gender Equality and the European Union Agency for Fundamental Rights should be urgently considered in order to avoid duplication of tasks and to reduce overhead costs;***

Or. en

**Amendment 23**  
**Monica Luisa Macovei**

**Motion for a resolution**  
**Subheading 3 a (new)**

*Motion for a resolution*

*Amendment*

***Transparency***

Or. en

**Amendment 24**  
**Monica Luisa Macovei, Petri Sarvamaa**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8 a. Observes that some of the curriculum vitae and the declaration of interest of the Management Board members are available on the Agency's website; notes that regarding the Executive Director and the management team only curriculum vitae are available; calls on the Agency to make the missing information publicly***

*available and to inform the discharge  
authority of the progress made on this  
matter as soon as possible;*

Or. en