

FINAL COMPROMISE AMENDMENTS DISCHARGE 2020

Europol - 2021/2144(DEC)

AMs: 33

Covered: AM 1 S&D, AM 2 S&D, AM 3 Renew, AM 4 S&D, AM 5 Greens, AM 6 EPP, AM 7 Renew, AM 8 Greens, AM 9 EPP, AM 10 The Left, AM 11 S&D, AM 13 S&D, AM 16 Greens, AM 17 Renew, AM 19 EPP, AM 20 S&D, AM 22 Renew, AM 23 S&D, AM 24 Renew, AM 25 EPP, AM 26 Greens, AM 28 Renew, AM 29 EPP, AM 31 EPP, AM 32 EPP, AM 33 EPP

Fall: AM 12 The Left, AM 14 Greens, AM 15 ECR, AM 27 Greens

Not covered in the compromises: AM 21 The Left, AM 18 ECR, AM 30 Greens

Updated on 10/02/2022

CA 1

Covered: AM 1 S&D, AM 2 S&D, AM 3 Renew, AM 7 Renew, AM 25 EPP

-1 (new) Underlines the important role of the European Union Agency for Law Enforcement Cooperation ('Europol') ('the Agency') in supporting Member States' criminal investigations, as well as in the prevention, (AM 1 S&D) response and combating of terrorism, cybercrime, crimes against the financial interest of the Union (AM 25 EPP) and other serious and organised forms of crime across the Union; (AM 1 S&D)

1. Welcomes the fact that the Court of Auditors ('the Court') has declared the transactions underlying the annual accounts of the Agency for the financial year 2020 to be legal and regular in all material aspects ***and that its financial position on 31 December 2020 is fairly presented (AM 2 S&D)***; highlights the fact that the Agency's budget increased from EUR 169 million to EUR 183 million (+8.3%) and that its staff increased from 837 to 884 members of staff (+5.6%) compared to 2019;

1 a (new) Highlights that the number of operations grew from 1 921 in 2019 to 2 315 in 2020 (+24 %) and that operational meetings funded by the Agency decreased from over 500 in 2019 to 280 in 2020 (-44%), which underline the impact of COVID-19 on its work (AM 3 Renew);

1 b (new) Underlines that the continuous increase in workload and demand by the Member State authorities needs to be met by adequate levels of staff; notes that the Agency received an increase of its establishment plan by 14 temporary agent positions; calls on the Commission to engage into an active dialogue with the Agency in order to understand and meet the Agency's long term needs in terms of human resources (AM 7 Renew);

CA 2

Covered: AM 4 S&D, AM 5 Greens, AM 6 EPP

2. Regrets ***the observation by the Court that the Agency failed to make payments within prescribed terms as laid down in the Financial Regulation; notes with regret (AM 5 Greens)*** that late payments were issued by the Agency in 33% of the cases in 2020 and that EUR 12 000 of interest was incurred as a consequence of those late payments; notes that ***in 2020 the value of invoices paid late represented 3% of all payments made in 2020 (4.6% in 2019)***;

notes that the Agency has explained this issue in the context of continued understaffing, affecting infrastructure areas in particular, *including financial administration, and that this situation has been worsened by the pandemic; welcomes the mitigation actions taken by the Agency to prioritise high-value payments (AM 4 S&D); notes that the Agency's reply to the Court's observations, however, does not address the structural character of late payments; calls on the Agency to identify origin of delays connected to these payments and to increase its efforts in this area in order to avoid financial and (AM 6 EPP) reputational risk;*

CA 3

Covered: AM 8 Greens, AM 9 EPP

3. Notes that the Agency is addressing the 2019 Court's finding relating to the weaknesses in contract management and ex ante controls linked to the fact that the Agency irregularly prolonged again the duration of a framework contract for the provision of business travel services by signing an amendment after the contract had expired; *recalls that this was a further amendment signed to the same contract in 2018 and notes that although a new framework contract for business travel services entered in force in 2019, the Agency decided to extend the old contract; (AM 8 Greens) notes the Agency's reply that the decision was result of a thorough assessment to preserve business continuity and did not constitute a weakness in ex-ante controls; (AM 9 EPP) takes note of the Agency's commitment to have an internal audit on contract management in 2021 with a view to obtaining additional assurance on its contract management arrangements; calls on the Agency to ensure (AM 8, Greens) the regularity of transactions;*

CA 4

Covered: AM 11 S&D, AM 13 S&D, AM 24 Renew

3 a (new) Welcomes the fact that the Agency correctly implemented the Court's recommendations regarding the minimum threshold for the technical award criterion most relevant to quality, and the checks of the accuracy of underlying prices and of the calculation of discounts applied for the non-standard items; (AM 11 S&D, AM 24 Renew)

3 b (new) Welcomes the measures implemented by the Agency to maintain efficiency in managing procurement procedures and related activities, including placing urgent orders to cover exceptional needs required by the pandemic and amending various contracts in order to adjust the risks linked to the pandemic; (AM 13 S&D)

CA 5

Covered: AM 10 The Left, AM 26 Greens, AM 28 Renew, AM 29 EPP

3 c (new) Notes the gender balance reported for 2020 for senior and middle management being 149 men (82,78%) and 31 women (17,22%), the management board with 42 men (79,25%) and 11 women (20,75%) and staff with 413 men (71,83%) and 162 women (28,17%); (AM 29 EPP) underlines that Article 10(3) of Regulation (EU) 2016/794 stipulates that the principle of a balanced gender representation on the Management Board shall also be taken into account; (AM 10 The Left) takes note that members of the management board are subject to nomination and appointment by Member States

authorities; calls on the relevant national authorities to take into consideration improving the gender balance when appointing management board members; welcomes the Agency's commitment to increasing the gender balance of its staff, especially in managerial positions; notes the 5% increase in 2020 of the percentage of female staff members in Head of Unit and equivalent or higher positions, bringing the total percentage to 21%; encourages the Agency to continue on this positive trend and further improve the gender balance in these posts; (AM 28 Renew)

CA 6

Fall: AM 14 Greens, AM 15 ECR

4. Welcomes the creation of the European Financial and Economic Crime Centre to support activities of national authorities by providing operational and strategic assistance and the creation of the Europol Innovation Lab;

CA 7

Covered: AM 16 Greens, AM 17 Renew, AM 23 S&D, AM 33 EPP

Fall: AM 12 The Left, AM 27 Greens

4 a (new) Takes note of the admonishment to the Agency by the EDPS in September 2020 for the processing of large datasets about people who have not been linked to a crime, which did not comply with Regulation (EU) 2016/794; (AM 17, Renew) takes note of the Action Plan sent by the Agency in response to the admonishment (EPP), outlining the measures intended to strengthen the Agency's data review activities, scrutinised and commented by the EDPS; regrets that the Agency was not able to remedy with its Action plan the requests made by the EDPS in its inquiry which started in April 2019 and covered 2020 (AM 23, S&D); notes that the EDPS has been in a dialogue with the Agency about this matter, following the admonishment, and that the Agency has been given 12 months to comply with the order to proceed with data subject categorisation ('DSC') for all datasets existing on the day of the EDPS decision (3 January 2022) and six months from the date of reception of new datasets; notes the Agency's stated commitment to the highest standards of data protection, noting that Regulation (EU) 2016/794 does not contain an explicit provision regarding a maximum time period to determine the DSC; highlights that the Agency analyses large and complex datasets at the request of the Union's law enforcement; takes note therefore of the provisional agreement on the new Europol mandate reached by the co-legislators which could address some of the EDPS' concerns and calls on the Agency to fully address the issue of processing data within categories listed in Annex II under the strict timeline proposed by the EDPS (S&D); highlights that the Agency must fully comply with its fundamental rights obligations under Union law while maintaining its operational capabilities; (AM 17 Renew) calls on the Agency to take measures to ensure full compliance with Union transparency rules (AM 16 Greens),

CA 8

Covered: AM 19 EPP, AM 20 S&D, AM 22 Renew

4 b (new) Notes with satisfaction the Agency's cooperation with other agencies, especially European Union Agency for Criminal Justice Cooperation, European Anti-Fraud

Office, European Agency for Law Enforcement Training, and International Atomic Energy Agency; calls on the Agency to continue further in exploring possibilities for cooperation with other agencies (AM 19 EPP);

4 c (new) Welcomes the enhanced cooperation between the Agency and the European Anti-Fraud Office and the signature of a working arrangement with the Office on 8 October 2020, (AM 22 Renew) as well as the working arrangement establishing cooperative relations between the European Prosecutor's Office and the Agency approved in 2020 (AM 20 S&D);

CA 9

Covered: AM 31 EPP, AM 32 EPP

4 d (new) Acknowledges the Agency's immediate response to the COVID-19 pandemic and the implementation of decisive measures to prevent further spread and ensure the safety of its staff (AM 31 EPP);

4 e (new) Acknowledges the importance of the Agency's role in the process of the UK's withdrawal from the Union and underlines its commitment to follow up on future security cooperation (AM 32 EPP);