



2024/2274

10.10.2024

RESOLUTION (EU) 2024/2274 OF THE EUROPEAN PARLIAMENT

of 11 April 2024

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of European Union Agency for Asylum (before 19.1.2022 the European Asylum Support Office) for the financial year 2022

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for Asylum for the financial year 2022,
- 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 (A9-0106/2024),
- A. whereas, according to its statement of revenue and expenditure ⁽¹⁾, the final budget of the European Union Agency for Asylum (the 'Agency') for the financial year 2022 was EUR 186 842 192, representing an increase of 12,46 % compared to 2021; whereas the budget of the Agency derives mainly from the Union budget;
- B. whereas in June 2022, the Agency signed a Contribution Agreement with the Commission for the implementation of phase III of the instrument for pre-accession assistance (IPA) 'EU regional support to protection-sensitive migration management systems in the Western Balkans, Phase III, Contract 2' (hereinafter the 'IPA III Western Balkans') with a total value of EUR 6 million and an implementation period of 47 months;
- C. whereas in 2022 there was significant increase in the Agency's budget due to expanded tasks under Regulation (EU) 2021/2303 of the European Parliament and of the Council ⁽²⁾ aiming for the Agency to become a centre of expertise on asylum;
- D. whereas in the Union there were almost 1 million asylum seekers and about 4 million beneficiaries of temporary protection in 2022;
- E. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2022 (the 'Court's report'), states that it has obtained reasonable assurance that the Agency's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes that budget monitoring efforts during the financial year 2022 resulted in a budget implementation rate of current year commitment appropriations (CA) of 96,23 %, representing a slight decrease of 0,44 % compared to 2021 (96,67 %); notes that the current year payment appropriations (PA) execution rate was at 89,55 %, representing a decrease of 1,36 % compared to the previous year 2021 (90,91 %); notes with concern a relatively high cancellation rate (15 %) of funds carried over from 2021 to 2022, thus missing the Agency's annual target rate of less than 10 %;
2. Highlights that in 2022 the Agency's Management Board (MB) adopted two budgetary amendments (BA); notes in this context that the Agency conducted a mid-year review of its 2022 budget which determined the Agency to ask the Commission for an additional subsidy of EUR 12 million in CAs and EUR 6 million in PAs to address the additional tasks stemming from the humanitarian crisis instigated by the illegal and unprovoked Russian invasion of Ukraine; notes that those amounts were included in the Agency's first BA adopted in September 2022; regrets however that the Agency's autumn budget and planning review highlighted unforeseen delays in the implementation of operational plans (OP) relevant to the Ukraine crisis leading to a negative (second) BA adopted by the MB in November 2022, which reduced PAs by EUR 12 million; observes lastly that the Agency's BAs also reflected Denmark's voluntary contribution (second instalment of EUR 94 063) for the implementation of the 'Roadmap for Cooperation between EASO and Egypt', and the first pre-financing (of EUR 2 968 129) for the IPA III Western Balkans;

⁽¹⁾ OJ C 38, 31.1.2023, p. 180.

⁽²⁾ Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1).

3. Notes the observation from the Court's report, with regard to the contributions of Schengen associated countries (SAC) to the Agency's budget, that the arrangements concluded between the Union and these countries which serve as a legal basis for calculating those contributions, are unclear and allow divergent interpretations, leading to contributions by each SAC (to the Agency's budget) equivalent to underpayments of around EUR 0,7 million (7 %) due to the use of a calculation formula which the Court considers flawed because the contribution ratio is multiplied by an amount which reflects only the Union's budget's subsidy for the Agency's activities, while, according to the Court, that amount should also include the share of the SAC; calls on the Commission to address this issue in the coming negotiations with the SAC on new Agreements that will cover SAC's participation in the work of the Agency, with a view to ensuring more clarity therein;

Performance

4. Observes that for 2022 the Agency's performance was measured against 204 annual targets, of which 48 % were exceeded, 26 % achieved, 10 % nearly achieved, 12 % delayed and 4 % not applicable;
5. Commends the Agency for the significant progress made in 2022 towards the full implementation of the new provisions of Regulation (EU) 2021/2303; notes in particular, from the Agency's follow-up report for the 2021 discharge (hereinafter the 'follow-up report'), that the Agency established the Consultative Forum (CF), as well as the Asylum reserve pool which mid-June 2023 already comprised 360 Member States' approved experts (out of 500 as required by that Regulation), and carried out the process of recruiting its Fundamental Rights Officer who took office in May 2023, as well as consultations with stakeholders with a view to drafting and adopting the Complaints Mechanism; observes with regard to the Monitoring Mechanism that the methodology and programme have been under development with the adoption thereof planned for Q1 2024, followed by a pilot monitoring exercise;
6. Notes with regard to the activity area covering the deployment of liaison officers (LO) to Member States (MS) and third countries, that human resources limitations led the Agency to cluster MS whereby one LO covers up to four MS, as well as to a lack of timeline for the development of LOs to third countries; acknowledges the Agency's need for additional resources to fully implement the requirements of Regulation (EU) 2021/2303 in that area and renews its call on the Commission to better reflect the operational needs of the Agency when deciding upon future establishment plans;
7. Acknowledges that in 2022 the Agency faced new tasks and multiple challenges due to the Russian illegal invasion of Ukraine; notes in this context that, upon request of the relevant national authorities, the Agency expanded its operations to six additional MS, leading to operational plans in a total of 14 MS; commends the Agency for also assisting those MS in the implementation of the Temporary Protection Directive (TPD); notes furthermore that the Agency supported a voluntary transfer programme assisting persons fleeing Ukraine to relocate in the Union and apply for temporary protection, delivered trainings on TPD to national administrations, developed country-specific communication products (booklets, leaflets and posters) with tailored information on temporary protection, increased production of situational analyses and deployed personnel for the first time to a non-Union country (Moldova); further appreciates the Agency's strong engagement in the external dimension of Common European Asylum System (CEAS) supporting EU+ countries resettle 2 585 persons through support for 13 selection and 3 pre-departure missions;
8. Highlights, among other achievements for 2022, that the Agency created around 3 000 pages of country of origin (COI) products, addressed more than 1 000 individual medical requests linked to the Agency's medical COI activities, delivered trainings that reached a record number of, in total, 13 000 participants, and published and/or updated country guidance notes (on Somalia, Afghanistan and Iraq); commends the Agency also for assisting Western Balkan countries through the provision of institutional capacity building, training and on-the-job coaching on core asylum procedures in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia;

Efficiency and gains

9. Notes that the Agency has been cooperating with several justice and home affairs agencies (e.g. Frontex, eu-LISA, FRA, CEPOL) with regard to situational awareness products, support to meeting operational challenges (including the personnel deployed), learning and exchange of information, as well as training and capacity building, among other; stresses the importance of cooperation for the correct allocation of resources; notes further that, based on a service level agreement, eu-LISA hosts the recovery site for the Agency's ICT Logical Infrastructure and Communications; encourages the Agency to continue exploring ways for exchanging best practices and opportunities, within the Agency's new mandate, in order to share resources and further develop synergies with other agencies in areas of mutual interest with a view to improving efficiency;

10. Welcomes the Agency's measures taken in 2022 to increase efficiency and simplification such as the reduction of procedural steps, the automation of repetitive tasks, and the roll out of an organisational model for the provision of horizontal services that brings administrative expertise closer to the point of use through remote, on-site or hybrid presence, thereby benefitting country operations in areas such as financial initiation of transaction, ICT support, legal support and facility management; commends the Agency's increased efficiency in assuring security of staff across more country operations using the same resources as in 2021; further notes that the Agency implemented several actions aimed at improving efficiency in the areas of cybersecurity (through, e.g. an automated incident response workflow), procurement (through the nomination of focal points for the most frequently purchased goods and services in order to enhance quality and timeliness of procedures and provide support from the early phases of procurement), ICT (by providing users with a single point of reference on the status of their requests) and HR (by opening the first Sysper modules on identity, organisation, carer, personal data and time management, among other, as well as an HR ticketing system for support services provided to all the Agency's staff); invites the Agency to fully implement the Commission's public procurement management tool; notes from the Agency's consolidated activity report for 2022 (hereinafter the '2022 CAAR') a renewed increase in the share of resources allocated to the Agency's operational activities corresponding to 79,13 % in 2022 (compared to 72,14 % in 2021 and 68,68 % in 2020);
11. Notes with regret from the Court's report that the Agency is not among the agencies that have established corporate plans in order to improve energy efficiency and climate neutrality of their operations, have some form of environmental reporting integrated in their annual activity reports and have received the EMAS registration; highlights, nevertheless, from the Agency's replies to Parliament's written questions, that in 2022 the Agency launched a first phase in preparation for the design and implementation of an environmental management system and took preparatory actions for the subsequent phases thereof; encourages the Agency to continue engaging in capacity building activities, as well as collaborating with other agencies and Union institutions with a view to speed up the Agency's EMAS certification process; highlights that the Agency includes environmental aspects in the technical specifications or award criteria, e.g. for building contracts, canteen service, cleaning services, among other; calls on the Agency also to consider developing its green public procurement policy; urges the Agency to consider implementing intermediate sustainable and energy-efficient solutions both to its infrastructure and internal processes, such as increased use of digital tools and document management;

Staff policy

12. Notes the Agency's gender distribution with 9 men (69 %) and 4 women (31 %) in its senior and middle management (same distribution as in 2021), with 27 men (48 %) and 29 women (52 %) on its MB (an improved distribution compared to 2021) and with 203 men (39 %) and 316 women (61 %) for staff overall (same distribution as in 2021); recalls the importance to ensure staff gender balance and calls on the Agency to take this aspect into consideration with regard to future recruitments of staff and appointments within its senior and middle management; observes with appreciation the Agency's commitment to include in its upcoming HR strategy actions that will prioritise the promotion of gender representation and diversity with the Agency, and promote leadership development programs tailored to aspiring managers; asks the Agency to report to the discharge authority about the implementation of this commitment;
13. Notes that, on 31 December 2022, the establishment plan was 90 % executed (87 % in 2021), with 333 temporary agents appointed out of 371 temporary agents posts authorised under the Union budget (compared to 366 authorised posts in 2021); welcomes a renewed increase in the Agency's occupancy rate; regrets an increase in the Agency's turnover rate from 4,1 % in 2021 to 8,2 % in 2022; notes that, in addition, 184 contract agents (CA) and 10 seconded national experts worked for the Agency in 2022; highlights that in the framework of the war in Ukraine and the implementation of the TPD, the Commission granted the Agency 90 short-term CA posts for a two-year period; observes that in 2022 the Agency published 29 vacancies and issued 138 job offers for temporary and contract agents;
14. Welcomes the Agency's policy on protecting the dignity of the person and preventing psychological and sexual harassment, the implementation of the Commission's rules on the conduct of administrative inquiries and disciplinary proceedings and the internal guidance on requests for assistance under Article 24 of the Union's Staff Regulations (USR); notes from the Agency's replies to Parliament's written questions that the Agency received three harassment cases in 2022, two of which were rejected since no *prima facie* evidence of harassment was present and closed without further action, while in the third case, an administrative inquiry was opened; calls on the Agency to keep the discharge authority informed of the outcome of that inquiry; notes with satisfaction that, following a recommendation made by the Commission's Internal Audit Service (IAS), the Agency adopted in April 2023 the guidance on administrative inquiries and disciplinary procedures; stresses the importance of having robust anti-harassment frameworks in place, especially in highly-stressful and demanding work environments; invites the Agency to introduce a training scheme on the matter both for newcomers and existing staff;

15. Notes from the Agency's follow-up to Parliament's horizontal observations made in connection with the 2021 discharge procedure, as well as from the Agency's follow-up report, that in recent years (as from 2019) the Agency has been using the services of an external law firm (specialised in Union civil service law) when dealing with cases of alleged harassment (i.e. requests for assistance under Article 24 of the USR); observes in this context that the Agency's Legal Services Unit performs an assessment to determine whether there is a need to request support or advice from an external law firm and that unit manages the relevant procedure and collaborates with the Agency's Human Resources Unit in all those cases;
16. Recalls the Court's finding that in 2020 the Agency had 16 vacant management posts, with 10 of those occupied on an acting basis for more than one year, as well as other issues such as acting managers occupying two posts, in the Agency's establishment plan; notes with appreciation from the Agency's follow-up report the subsequent mitigating actions it took in order to comply with Article 7(2) of the USR, first by reducing the number of temporary occupations of management posts exceeding one year to two at the end of 2022, and, as of 2023, discontinuing them altogether, whereas no staff members are on temporary management positions for longer than a year anymore; welcomes the Agency's commitment to prioritise recruitment of managerial posts; commends the Agency for the progress made in 2022 and 2023 with regard to recruitment procedures for various middle and senior management positions, including that of the Deputy Executive Director; whereas, according to the Agency's follow-up report, two selection procedures are completed, while nine selection procedures are ongoing or not finalised; observes lastly from the Agency's website that as at 15 January 2024, the head of the Agency's Administration Centre is on an *ad interim* position, while the head of the Agency's Institutional and Horizontal Affairs Centre on an acting position; notes that the selection procedure for the Head of the Administration Centre is ongoing and is expected to be finalised in Q1 2024; further notes that the selection procedure for the Head of the Institutional and Horizontal Affairs Centre is ongoing and is expected to be finalised in Q1 2024; calls on the Agency to keep the discharge authority informed of the outcome of all those procedures;
17. Highlights that the mitigating actions taken by the Agency in order to comply with Article 7(2) of the USR, the fact-finding mission carried out by the IAS in October 2022, the Court's fieldwork for the audit of the financial year 2022, the Parliament's relevant observations addressed to the Agency in Parliament's discharge resolution for 2021, as well as the (ongoing) investigation launched by the European Anti-Fraud Office (OLAF) on 24 November 2022 also came up as a result of an anonymous email which contained numerous allegations of, inter alia, staff-related irregularities caused by the Agency's entire senior management team; calls for full cooperation of the Agency with OLAF in the ongoing investigation; notes from the 2022 CAAR the Court's conclusions that the calculation of the allowances for the grading of temporary occupation of management posts was legal and regular, while the temporary occupation of posts exceeding one year was non-compliant however without resulting in irregular payments; calls on the Agency to inform the discharge authority about the progress and stages of the investigation;
18. Is concerned about the internal management and procedures of the Agency given that in 2022 OLAF launched one investigation into the management and staffing policies, allegedly involving nepotism and also an investigation relating to lack of observance of human rights; reiterates its call on the Agency to fully cooperate with the investigative body and timely inform the discharge authority about outcomes and remedial measures;
19. Recalls that in 2018 OLAF concluded another investigation which led to findings linked to, e.g. mismanagement of human resources, the resignation of the Agency's executive director at that time and the adoption by the Agency's MB of a governance action plan aimed at restoring trust internally and externally, reinforcing the governance structure, and rebuilding internal capacity; observes that the Court, in its Annual Report, closed and deemed as being addressed the observation regarding the high number of management posts which were vacant as well the issues related to the precarity at the level of managerial positions which may have impaired the Agency's leadership and its strategic continuity; acknowledges that according to Article 41(1)(t) of Regulation (EU) 2021/2303, the Management Board shall take all decisions on the establishment of the Agency's internal structures whereas the Commission as a member of the Agency's Management Board regularly oversees Agency's reorganisations; observes nevertheless that in spite of the reorganisations performed by the Agency in recent years, issues still appear to exist as the anonymous letter from January 2023 points out; notes the conclusions of the Court for 2022 financial year based on the corrective actions taken by the Agency; calls in this context on the Commission to identify solutions for the performance of an independent assessment of the Agency's recent reorganisations and expects that the ongoing audit by the IAS on Human Resources Management will provide relevant evaluation regarding the degree to which the Agency's current organigram and distribution of responsibilities among the Agency's middle and senior management positions are prone to risks of inefficiencies, mismanagement of human resources, and lack of transparency (including towards the Agency's MB) among other;

20. Notes with concern that the Agency has not adopted the 'Charter on Diversity and Inclusion', nor it has reported on measures taken for the integration of persons with disabilities; reminds that the Union's Charter of Fundamental Rights prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community; notes however the Agency's commitment to address those areas through measures that will be implemented once the upcoming HR Strategy will be adopted; further observes that the Agency has taken initiatives and put in place various measures in order to improve its staff's well-being at work and work-life balance such as targeted training courses, service level agreements with childcare providers and schools, a psychological and social support service, awareness raising campaigns, as well as free-time activities;

Procurement

21. Recalls the Court's observations for the financial years 2017 and 2020 according to which procurement procedures for rented premises in Lesbos and Rome were irregular due to insufficient competition and non-respect of the principle of economy; notes from the Court's report that all subsequent payments made in connection with those procedures are irregular, including the associated payments amounting to EUR 281 095 which were made in 2022; notes with satisfaction from the Court's report the corrective actions taken by the Agency, whereby the rental contracts for the premises in Lesbos and Rome have come to an end on 30 April 2023 and 31 July 2023, respectively; notes from the 2022 CAAR that a sustainable solution for the rent in Lesbos is sought in cooperation with the Greek authorities;
22. Notes the observation from the Court's report that the Agency had purchased IT equipment from a provider's online catalogue instead of from the pre-approved pricelist included with the financial and technical offers, consequently entailing a purchase price that was 44 % (the equivalent of the amount of EUR 49 224 considered irregular by the Court) more expensive than it would have been if it had been based on the pre-approved pricelist; notes from the Agency's reply that the decision to purchase those items was determined by the operational needs and urgency as well as limited market availability of IT supplies and adequate controls have been defined to provide reasonable assurance that purchase replacement items from the online catalogue will be limited to the price for the corresponding item as listed in the contractor's initial bid;

Prevention and management of conflicts of interest and transparency

23. Commends the progress made by the Agency in 2022 in the area of management and prevention of conflicts of interest, and ethical guidance through preparatory work which led to the adoption in January 2023 of one decision applicable to the Agency's MB members, as well as to the organisations and competent bodies that are members of the Agency's CF and two decisions applicable to the Agency's staff; welcomes the appointment of the Agency's ethics correspondent as well as the Agency's commitment to include standard texts on conflicts of interest declarations in the invitations to meetings that include external participants; notes with satisfaction that the Agency has developed a guidance on post-employment rules and procedures applicable to staff leaving the Agency;
24. Notes that the declarations of interests and CVs of the members of the MB are published on the Agency's website, as are the declarations of interest and CVs of the Agency's management staff; observes however that CVs of in-house and external experts are not available on the Agency's website; notes from the Agency's replies to Parliament's written questions that in 2022 there were no cases of conflicts of interest or whistleblowing open, closed or ongoing, at the level of the Agency; commends the Agency for maintaining a close dialogue with relevant civil society organisations operating in the field of asylum through the Agency's CF, the latter having been reconstituted (116 members) in June 2022 with a new set of rules deriving from the Regulation (EU) 2021/2303;

Internal control

25. Notes the observation from the Court's report that that three cases of sub-delegations that required reconfirmation in April 2021 had not been reconfirmed until February 2022, when the situation was rectified, consequently the Agency being in breach of its internal rules which specify that sub-delegations of financial authority are to be renewed as soon as a new authorising officer by delegation has been nominated;

26. Welcomes the progress made by the Agency in addressing the recommendations remained open from previous audits carried out by the IAS and the Court; notes from the 2022 CAAR that some recommendations, in connection with IAS' audit from 2020 ('Human Resources Management and Ethics in EASO') and 2021 ('IT governance & IT project management') are still ongoing or significantly delayed; notes further from the Court's report that three recommendations from past audits carried out by the Court are still open: two recommendations with regard to the rental contracts for the Lesbos and Rome premises which the Agency expects to have them deemed as closed by the Court in 2024 after the last associated (irregular) payments were carried out in 2023 and one recommendation with regard to the establishment by the Agency of effective financial *ex post* controls; calls in this context on the Agency to speed up the implementation of the pending corrective actions and keep the discharge authority informed of the progress made in this regard;
27. Notes that the Agency performed a self-assessment of its internal control system (ICSA) for 2022, concluding that overall controls in place are working as intended with 10 principles being fully effective and 7 being effective, whereas some improvements are required at the level of the components 'Control environment', 'Control activities' and 'Monitoring activities'; highlights moreover that in 2022, a risk-based strategy for financial *ex post* controls was implemented based on sampled transactions and procurement operations covering two financial years (2020-2021); observes from the 2022 CAAR that the results of those controls included 44 observations and proposed 122 corrective actions; notes that as part of the ICSA exercise for 2022, during Q1 2023 the Agency performed controls on the state of play of the implementation of those 122 (pre-agreed) corrective actions, of which only 45 corrective actions (40 %) had been timely and adequately implemented by the relevant business owners; calls on the Agency to address all corrective actions remained open and keep the discharge authority informed of the progress made in this regard; observes with appreciation that the Agency transparently presents (Annex IX of the 2022 CAAR) the detail and state of play of the identified deficiencies and agreed corrective actions stemming from various sources (management of exceptions and non-compliance events, internal control monitoring criteria, ICSAs, financial *ex ante* and *ex post* controls, audit reports, risk management, etc.);
28. Recalls that the Agency's anti-fraud strategy for the period of 2020-2022 was adopted in July 2020, establishing 25 priority measures monitored through a series of control activities; notes with appreciation that in 2022, 93 % of the control activities related to the implementation of that strategy were considered as implemented; welcomes the awareness raising efforts of the Agency with regard to anti-fraud related matters, whereas 56,7 % of the Agency's statutory staff have participated in trainings on fraud prevention and fraud risk identification; notes with satisfaction that the Agency transparently presents (Annex XII of the 2022 CAAR) the detail and status of the control activities with regard to the Agency's anti-fraud strategy;

Other comments

29. Notes that the Agency has implemented different measures to increase its public visibility and online presence by, e.g. launching an upgraded website and a new corporate visual identity, upgrading its social media portfolio with a focus on audiovisual formats and welcoming student groups to its premises;
30. Recalls the role of the Agency in providing support for the processing of applications for international protection as well as for the training of caseworkers responsible for processing asylum claims; states the need for the Agency to continue providing support to Member States and third countries in dealing with asylum and migration applications; calls to focus the budget on further staff recruitment if needed to help Member States to ensure fair and just examination of the asylum applications for international protection, especially of interpreters and psychologists for applicants that belong to vulnerable groups;
31. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 11 April 2024 ⁽³⁾ on the performance, financial management and control of the agencies.

⁽³⁾ Texts adopted, P9_TA(2024)0280.