



2024/2340

10.10.2024

RESOLUTION (EU) 2024/2340 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 the European Union Agency for Criminal Justice Cooperation (Eurojust) 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 Criminal Justice Cooperation (Eurojust) 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 (A9-0099/2024),
- 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 2022 was EUR 50 183 522, representing a decrease of 5,84 % compared to 2021; 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 2022 (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 resulted in a budget implementation rate of 2022 commitment appropriations of 99,93 %; notes that the execution rate of current year payment appropriations was 89,22 %, representing an increase of 4,64 % compared to 2021;
2. Notes that various new financing needs emerged during 2022, including linked to infrastructure for the new Case Management System (CMS), reinforcement related to the new Core International Crime Evidence Database (CICED) tasks and salary increases due to high inflation; notes that those financing needs were covered through two amending budgets (of in total EUR 5,7 million) and several budget transfers;
3. Notes the roll-out by the Agency in 2022 of the Commission's new financial management and accounting system (SUMMA) and the related technical issues which impacted the Agency's budget implementation and reporting; notes in particular the Agency's view that those issues also impacted the high rate of payments not executed on time (52,9 %) and complicated the monitoring of areas with high cost volatility such as coordination meetings (CMs); notes in this context the observation from the Court's report that the Agency, contravening some of the provisions of the Financial Regulation, did not update its risk management and control strategy to cover risks linked to the implementation of the SUMMA, nor its financial circuits and *ex-ante* and *ex-post* checks strategy and does not specifically check the rights that have been attributed to a user in that system, which constitutes a risk that the user roles in SUMMA may not be correctly assigned and updated;
4. Notes with concern the observation from the Court's report that the Agency did not comply with the time limits for payments stipulated in the Financial Regulation for 1 222 out of the total of 2 308 payments (52,9 %); reminds and underlines that in 720 of all cases (31,5 %), payments were late by more than 30 days; notes that the Agency attributes this shortcoming, that in the Court's view exposes the Agency to financial and reputational risk and goes against the principle of economy, to the implementation of SUMMA; notes the Agency's reply that SUMMA has been in a pilot phase and there were delays and technical difficulties in processing the transactions which impacted the staff training and created some challenges on the budgetary management; notes lastly that despite the increased amount of late payments, the Agency did not pay any late interest; calls on the Agency to fully address this observation, tackling technical difficulties in processing transactions and report to the discharge authority on the progress achieved;

⁽¹⁾ OJ C 38, 31.1.2023, p. 194.

Performance

5. Notes that the Agency uses key performance indicators (KPIs) to assess the added value provided by its activities and improve its budget management; highlights the new Multi-Annual Strategy 2022–2024 (MAS) of the Agency that sets five objectives each covering a number of strategic action areas; observes that the Agency defined 67 KPIs in its annual working plan for 2022 and 14 multi-annual KPIs for the MAS; notes that, excluding the KPIs deemed not measurable or relevant, the Agency achieved the targets for 47 out of 59 KPIs (88 %), representing an increase comparing to 2021 (73 %); notes that in 2022 the Agency made a steady progress towards achieving its multi-annual KPIs with 10 of them (72 %) being on track for achieving their target and three (21 %) needing further attention, whereas the final results for the MAS KPIs will be reported on at the end of 2024;
6. Notes that the number of cases referred to the Agency by the Member States continued to grow, with a total of 11 544 cases handled in 2022 (of which 5 227 were newly opened), which represents a 14 % increase compared to 2021; commends in this context the contribution of the Agency in providing legal advice, analysis and operations assistance resulting in 941 operational deliverables in support to 528 cases, including with regard to complex cases that led to the arrest of smugglers of people (including migrants), as well as the cracking down on or actions against criminal networks in areas such as money laundering, sexual exploitation, online investment fraud or drug-trafficking; notes with satisfaction moreover that, in 2022, the Agency supported 265 Joint Investigation Teams (JITs) (of which 78 JITs newly established), organised 528 CMs and 22 Coordination Centres (CCs), facilitated the execution of 1 262 European Arrest Warrants (of which 504 new cases) and enabled the use of 5 415 European Investigation Orders (around half of which newly opened); notes that the Agency maintains cooperative relations with the European Anti-Fraud Office (OLAF), with a view to enhancing the fight against crimes affecting the financial interests of the Union;
7. Commends the Agency for the actions undertaken in response to the Russian illegal and unprovoked invasion of Ukraine in 2022; notes that 3 weeks after the war began, the Agency supported the establishment of the JIT investigating alleged core international crimes committed in Ukraine with the aim to facilitate investigations and prosecutions in the states concerned; notes that the Agency delivered legal and operational support to the national desks related to the extension of the JIT agreement to new parties (Estonia, Latvia, Romania and Slovakia), as well as legal analyses and opinions related to the participation of the International Criminal Court in the JIT; notes further that the Agency provides operational support to the 'EU Freeze and Seize' Task Force set up by the Commission by coordinating Member States' enforcement of Union sanctions through criminal law, done through several actions, such as regularly cross-checking the list of individuals and companies sanctioned by the Union against the Agency's data on existing cases handled by the Agency and collecting relevant information at national level on past and ongoing investigations related to those listed in the sanctions list to facilitate criminal proceedings;
8. Welcomes that in 2022 the Agency enhanced its operational and strategic cooperation with various stakeholders, such as the European justice and home affairs agencies (JHA), the Union's institutions, OLAF, the European Public Prosecutor's Office (EPPO), as well as judicial practitioner networks, third countries and international organisations; notes in particular the Agency's cooperation with the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) on a joint report on Artificial Intelligence (AI) supporting cross-border cooperation in criminal justice, with the European Union Agency for Law Enforcement Training (CEPOL) on 16 courses covering judicial cooperation and with the European Union Agency for Law Enforcement Cooperation (Europol) on the Sirius project and the Europol's 'hit/no-hit' system, with national authorities from 20 Member States, Europol, OLAF and EPPO on Operation Sentinel targeting fraud against COVID-19 recovery funds; highlights the Agency's contribution to the Commission's initiatives in the area of justice digitalisation (SIS II, CMS, ECRIS-TCN, among other); notes that the Agency has been relying on an ever-growing network of Contact Points with the competent authorities in third countries, whereas in 2022, the Agency's total number of Contact Points grew to include Australia, Bahrain and Morocco; commends the expansion of the Agency's cooperation on criminal matters at international level, in particular through the EuroMed Justice Programme with the South Partner Countries and an EU-funded project focusing on cross-border cooperation in criminal justice in the Western Balkans;
9. Appreciates the transnational cooperation between judicial authorities facilitated by the Agency and the close cooperation with all actors in the criminal justice chain, which contributed to the arrest of more than 4 000 suspects, the seizure and or freezing of criminal assets worth almost EUR 3 billion and the seizure of drugs worth almost EUR 12 billion;

Efficiency and gains

10. Highlights that, in addition to the rolling out of SUMMA, the Agency further enhanced its Activity Based Management processes and tools, by increasing the efficiency, data quality/integrity and usability of its planning tool, by introducing a new activity-recording tool, and by continuing its gradual move from output to result KPIs; commends the Agency for initiating a discussion with Europol to explore the potential sharing of medical services in the future; commends further the Agency's decision to retain certain efficiencies gained during the COVID-19 pandemic; notes from the Agency's replies to Parliament's written questions that in 2022 the Agency organised online 47 % of CMs and all staff trainings and selection procedures, thus reducing significantly the related financial and human resource costs, as well as 29 % of all CMs in hybrid mode;
11. Notes that, with a view to increase efficiency, two organisation-wide projects went live in 2022, the Agency's Self Service Portal and Pexip, the new videoconferencing system for CMs and CCs, with up to at least 10 simultaneous interpretations; notes further that the analysis for the migration of the existing Extranet and the selection of suppliers for the replacement of the Library system have been completed, while a certified e-signature tool is still in progress with expected outcome in 2024; commends the Agency for implementing four new SYSPER modules (Appraisal, Job titles/Job descriptions, NDP, Reporting), in addition to the five modules already implemented in the previous years; notes the Agency's commitment to fully implement SYSPER by 2024;
12. Notes from the Court's report that the Agency is not yet 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 or have received the Eco-Management and Audit Scheme (EMAS) registration; recalls that in 2021 the Agency initiated the implementation of the EMAS / ISO 14001 compliance framework; notes in this context that in 2022 the Agency received the final report from the external consultancy company, including all relevant information regarding the environment-related regulations in the Netherlands; notes further that during 2022, the Agency joined the public tender for consultancy in Environmental Management Systems and Reduction and Offsetting of Greenhouse Gas Emissions;

Staff policy

13. Notes that, on 31 December 2022, the Agency's establishment plan was 100 % executed (same as in 2021), with 221 temporary agents appointed out of 221 temporary agents (TAs) authorised under the Union budget for 2022, whereas 209 out of 221 TAs were in post and 12 offer letters were sent; notes that, in addition, 18 contract agents and 22 seconded national experts worked for the Agency in 2022; notes further that a reclassification exercise was carried out, which led to 53 staff members being reclassified;
14. Notes the gender representation within the Agency for 2022, with 6 men (60 %) and 4 women (40 %) in senior and middle management, 16 men (64 %) and 9 women (36 %) in the Agency's management board, and with 85 men (33 %) and 175 women (67 %) for the overall staff; calls on the Agency to ensure better gender balance at all levels of staff and to further encourage female candidates to apply for management positions, as well as applications from male candidates in external selections for the remainder of staff positions; acknowledges that the Agency is not responsible for the composition of its management board (hereinafter 'the College') as the National Members of the College are appointed directly by the respective Member States; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the College;
15. Notes that between 2017 and 2022, the Agency sought the advice from an external law firm specialised in Union civil service law for several requests for assistance in relation to alleged psychological harassment; notes that a request for assistance received in 2021 led to the opening of two separated administrative inquiries in which the Agency sought the support of two external investigators; notes that in both cases the inquiries were closed without further action, whereas one of them was further taken before the court; invites the Agency to inform the discharge authority of the outcome in this matter;
16. Highlights that in 2022 the Agency adopted implementing rules to the Staff Regulations concerning, among other, the conduct of administrative inquiries and disciplinary proceedings, the home leave for staff serving in a third country and the payment of the education allowance provided to staff members under certain conditions; welcomes the measures taken by the Agency for the integration of persons with disabilities, as well as the Agency's commitment to adopt, in the framework of the implementation of the HR strategy, the 'Charter on diversity and inclusion' endorsed by the JHA Network's Working Group on Diversity and Inclusion;

17. Notes that the Agency's staff were primarily teleworking until March 2022; notes that, as of April 2022, all staff returned to the Agency's premises; notes in this context that the Agency put in place transitional measures regarding work in the office and teleworking and organised workshops to help staff to mentally adapt to the return to the office after continually teleworking for two years; notes also that the results of the Agency's 2023 Staff Survey indicate that the welfare measures taken by the Agency in 2022 effectively alleviated the impact that extended teleworking had on staff; notes, in particular, that 96 % of respondents were positive about being able to coordinate with team members despite working from different locations;
18. Notes with satisfaction that as of 31 December 2022, the Agency has employed staff from 26 Member States; notes that the most represented nationalities among the Agency's staff were the Netherlands, Italy, Spain and Romania; recalls the importance of geographical balance and encourages the Agency to continue to take the necessary measures to have a balanced and fair geographical representation;

Procurement

19. Recalls the observation from the Court's report for 2020 that a framework contract for vehicle leasing with a single economic operator was not appropriate for the nature of the services required and the contract awarded as the outcome of the procedure, as well as all the related payments, were irregular; notes from the Court's report that in 2022 the Agency irregularly paid EUR 59 281 under this contract and the observation is still open; calls on the Agency to examine the possibility of putting an end to that framework contract and launching a new procedure with reopening of competition as considered appropriate by the Court in the case of vehicles leasing;
20. Notes from the Agency's follow-up report for the 2021 discharge (hereinafter 'the follow-up report') that the Agency continues the testing of the Public Procurement Management Tool (PPMT), with the intention to make use of it for all new procurement procedures launched from 2024 onwards;

Prevention and management of conflicts of interest and transparency

21. Notes the Agency's standard operating procedure regarding the management of conflicts of interest applicable to all candidates that are offered a position in the Agency, newcomers, staff that change position, as well as to all staff leaving the Agency; highlights that the Agency has put in place a Code of Ethics for the members of the College and Executive Board, however without a policy in the area of 'revolving doors'; notes that, in 2022, there have been cases of conflicts of interest reported and managed, in particular regarding the involvement of members of the College in staff related proceedings; notes with appreciation that the persons concerned recused themselves and did not participate in the deliberations and decision-making of the College in this regard;
22. Notes that, although the Agency does not have meetings with lobbyists, the meetings of the Agency's Executive Board with external guests visiting the Agency were published on the Agency's twitter account in 2022 and, as of 2023, on the Agency's public website; deeply regrets that, despite Parliament's repeated calls in several discharge resolutions, the Agency still does not publish on its website the CVs of all its senior management staff and in-house experts and external experts; urges the Agency to publish those CVs or explain the reasons why the Agency has not yet done so;

Internal control

23. Recalls that in 2021 an OLAF investigation, carried out following an anonymous complaint regarding allegations of irregularities in recruitment procedures, was ongoing; notes that in 2022 OLAF reported that no irregularities were found thereon; notes further in this context that because this investigation was partially still pending at the end of 2022, and due to confidentiality reasons, OLAF decided not to share more details at that stage; welcomes from the follow-up report the Agency's commitment to keep the discharge authority informed of any development on this matter in due time;
24. Notes that at the end of 2022, there were four significantly delayed recommendations issued by the Commission's Internal Audit Service (IAS) in 2019 and 2021; notes in this context that, as regards the IAS recommendation from 2021 on own initiative on operational tasks, the Agency's relevant internal working group agreed on a strategic document and an action plan, with short and mid-term actions, some of which have already been implemented in 2023, whereby, subject to final IAS assessment, the Agency has marked that recommendation as implemented; notes further from the follow-up report, as regards the IAS recommendation from 2021 for the Agency to carry out an iCAT survey to strengthen the assessment of soft controls, that the launch of that survey, planned in Q4 2022, was delayed due to the implementation of major cross-organisational projects (e.g. SUMMA), the increase in workloads due to new priorities related to the war in Ukraine, and the transitional period between the departure of the previous administrative director and the appointment of the new one; notes in this context that the relevant iCAT questions were integrated into the Agency's Engagement Survey (SES) launched in Q2 2023; notes lastly that,

subject to the IAS final assessment, that recommendation also is deemed implemented by the Agency; calls on the Agency to speed up the implementation of the remaining open IAS recommendations, in particular those that are significantly delayed;

25. Notes with concern the significant increase in the number and value of non-compliance events in 2022 (43 events of value EUR 294 000) compared with 2021 (33 events of value EUR 18 000), whereas such events were mainly linked to issues such as an invoice being higher than the legal commitment, the budgetary commitment taking place after the legal commitment was assigned or the absence of a purchase order or specific contract; notes the Agency explaining that that increase is linked to the difficulties encountered in budgetary and financial management in 2022, due to the introduction of SUMMA; calls on the Agency to address these observations and explore models so that these kind of situations no longer occur in the future;
26. Notes that in 2022, the Agency's internal control framework components and principles were present and functioning, and the system was overall effective, with some improvements needed as regards e.g. the implementation of SUMMA and the need to adopt a Disaster Recovery Plan; commends the Agency for the adoption of a policy on sensitive functions, the draft assessment of the cost-effectiveness and benefit of appointing an Internal Audit Capability (IAC), and the absence of critical audit recommendations or observations in 2022; invites the Agency to inform the discharge authority of the outcome of the assessment regarding IAC; commends lastly the Agency's further actions following-up on the adoption in 2021 of the Agency's anti-fraud strategy; notes in this sense that the Agency adopted in 2022 new internal procedures for assets and inventory management;

Other comments

27. Commends the Agency for investing in its communication activities in order to raise the Agency's visibility and understanding about its work reaching a wide-ranging audience; notes as a result an increase of the Agency's social media metrics by 40 %, the number of visitors of the Agency's website by almost 100 %, and the number of press releases and news items by 16 % in 2022 compared to 2021, with the latter indicator leading to an increase of close to five times more mentions compared to 2021;
28. Commends the Agency's continued efforts in 2022 to strengthen its data protection compliance; welcomes the increase in the team of the Agency's Data Protection Officer (DPO) with two more staff for the new tasks in connection with the Regulation (EU) 2018/1725 of the European Parliament and of the Council^(?) and the extension of the Agency's mandate for core international crimes, which adds to the data protection requirements; notes that in 2022 the DPO and the European Data Protection Supervisor continued holding regular (bi-monthly) meetings, as well as ad-hoc ones, and consultations on various data protection issues such as data breaches and complaints, among other;
29. Commends further the Agency for implementing in 2022 several measures in order to increase the cyber security and protection of the digital records in its possession, such as the deployment of centrally managed and secured corporate mobile phones, the introduction of internal CyberCafe awareness raising sessions and the implementation of protection against Distributed Denial of Service attacks, among other;
30. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 11 April 2024^(?) on the performance, financial management and control of the agencies.

^(?) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

^(?) Texts adopted, P9_TA(2024)0280.