



2024/2346

10.10.2024

RESOLUTION (EU) 2024/2346 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 Fundamental Rights 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 Fundamental Rights 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 (A9-0112/2024),
- A. whereas, according to its statement of revenue and expenditure ⁽¹⁾, the final budget of the European Union Agency for Fundamental Rights (the 'Agency') for the financial year 2022 was EUR 25 857 952, representing an increase of 4,01 % compared to 2021; whereas the Agency's budget derives almost exclusively from the Union budget;
- B. whereas with regard to the agency's procurement sector, no issues requiring corrective actions were reported for 2022, nor are there ongoing or outstanding corrective actions from previous years' audits and assessments;
- C. 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 in all material aspects;

Budget and financial management

1. Notes with appreciation that budget monitoring efforts during the financial year 2022 resulted in a budget implementation rate of current year commitment appropriations of 100,00 % (same as in 2021); notes that the current year payment appropriations execution rate was 73,59 %, representing a slight increase of 2,64 % compared to 2021;
2. Notes that in 2022 three budgetary amendments were adopted, increasing the Agency's budget by EUR 1 562 781, referring to the funds received under the cooperation agreement with the Financial Mechanism Office of the EEA and Norway grants and the partnership agreements with the National Statistical Institute of Bulgaria, the Greek Ombudsman and the Romanian Prosecutor's Office, as well as with regard to the rent subsidy received from the Austrian authorities and internal assigned revenue;
3. Notes with concern that, according to the Court's report, the Agency carried over EUR 6,4 million (26 %) of available commitment appropriations from 2022 to 2023, of which EUR 5,9 million representing appropriations under Title III, related to operational expenditure (74 % in 2021); highlights that high levels of carry overs is a recurring issue for the Agency that has been observed by the Court for several financial years in a row, starting with 2018; notes the Court's renewed opinion that a high level of carry overs contradicts the budgetary principle of annuality and is indicative of structural issues in the budget process and implementation cycle; notes from the Agency's reply to the Court's observation and from the Agency's report titled 'European Parliament's observations on 2021 discharge for the European Union Agency for Fundamental rights and measures taken by the Agency' (the Agency's follow-up report) the following observations on the high level of carry overs related to the Agency's operational activities: the specific frame in which the Agency works makes it difficult to commit to operational expenditure much earlier in the year, enhancements in the IT tool Matrix have been done in order to have a closer monitoring of the budget execution and an early estimation of the carry overs (C8 credits) for the next year, the budget implementation should be assessed by taking into account the final outturn which in the last 10 years has been higher than 99 %; acknowledges, as in previous years, that the high carry overs are also a function of the nature of the Agency's core business;

⁽¹⁾ OJ C 38, 31.1.2023, p. 189.

Performance

4. Notes with satisfaction that the Agency uses a system of 25 key performance indicators (KPIs) as part of its performance measurement; commends the high rate of achievement against its KPIs in 2022, with the Agency exceeding almost all targets set per KPI, maintaining a high level of stakeholders' satisfaction in relation to the Agency's events and the relevance, usefulness and reliability of the Agency's output, and contributing to a high level of understanding of fundamental rights and trends; commends the Agency's efforts that have contributed to its achievements in 2022 despite the reprioritisation of all on-going activities and human and financial resources and the postponement and reorganisation of some of the Agency's projects;
5. Notes with appreciation the Agency's performance, in particular the high output produced in 2022, including publications, meetings, organisation of events, technical assistance and capacity building activities, as well as written and verbal input; takes note that the Agency's work has been referenced in 213 publications and mentioned 4 319 times in the media in 2022; commends the Agency's activities with regard to strategic priority 1, 'Identifying trends: collecting and analysing comparable data and evidence', which the Agency's stakeholders considered as being the most relevant and adding most value; notes in this context the Agency's achievements in 2022 such as the publication of the report 'Roma in 10 European countries' which highlighted, among others, the improvements and gaps in Roma inclusion, the bulletin on asylum and migration which focused on the fundamental rights situation of people arriving to the Member States and Union candidate countries from third countries during the last quarter of 2021, the report 'Bias in algorithms. Artificial intelligence and discriminations' which made the Agency the first international human rights organisation to tackle, among others, bias in algorithms, and became the Agency's 2022's most downloaded report in its first seven days after publication, as well as the report 'Protecting civic space in the EU – Key findings and FRA opinions' which provides an overview of the main civic space issues across the Union; commends with regard to the latter report the Agency's demonstrated ability to influence policy and legislative processes on civic space, with projects of the Czech Council Presidency and the Commission on that topic involving the Agency in 2022;
6. Welcomes the Agency's timely response to emerging fundamental rights issues, such as the Agency's general guidance in its report on 'Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders', providing assistance to Member States in setting up or strengthening their national mechanisms to monitor fundamental rights compliance and ensuring safeguards for the independence of the mechanism; recalls that international law requires non-discriminatory treatment of all refugees;
7. Notes with appreciation that the Agency has swiftly taken measures to respond to the human rights situation in Ukraine following Russia's illegal and unprovoked invasion, through several major actions such as an online survey on the experiences of displaced persons fleeing Ukraine, two bulletins on fundamental rights implications in Member States with regard to the war in Ukraine, the publication of a table on 16 Member States' implementation of the Council Directive 2001/55/EC ⁽²⁾ and projects of data collection on the experiences of women fleeing the war in relation to violence and other human rights abuses;
8. Acknowledges the role of the Agency in empowering the national human rights infrastructure, by cooperating and creating synergies with human rights institutions and partnerships with civil society institutions; notes the Agency's continuous guidance in the area of asylum and migration, with regular overviews of migration-related fundamental rights concerns addressed to Member States; welcomes the Agency's role in fostering a human rights-based narrative by developing effective communication, engaging in the development of new digital applications and tools, and bringing together human rights actors to promote European values and freedoms;
9. Notes with great concern that for the monitoring of fundamental rights and rule of law situation in Hungary the Agency decided to collaborate with and rely on the information of the National University of Public Service and the Office of the Commissioner for Fundamental Rights, even though both institutions have a track record of supporting the deterioration of fundamental rights in Hungary; notes, for instance, that the Commission in its 2022 Rule of Law Report, had 'aggravated concerns' about the independence of the Hungarian Commissioner for Fundamental Rights; deplores that the Agency nevertheless decided not to reconsider the collaboration with institutions that essentially promote democratic backsliding, even though the Agency's core task should be to contribute to defending fundamental rights, especially in problematic cases such as the one of the Hungarian government; calls on the Agency to suspend its collaboration with these institutions and to keep the discharge authority updated on its progress in this respect;

⁽²⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

Efficiency and gains

10. Notes that in 2022 the Agency continued to cooperate and work with the Justice and Home Affairs Agencies' Network (JHAN) and the agencies comprising it in order to address challenges in their mutual areas of work, such as internal security, migration, organised crime, asylum and borders, by contributing fundamental rights expertise; notes in this context in particular the Agency's collaboration with the European Institute for Gender Equality on the preparation of a survey on violence against women, with the European Union Agency for Asylum on the review of some training modules and the preparation of a booklet on temporary protection for guardians of unaccompanied children, with the European Union Agency for Law Enforcement Training on facilitating training sessions on hate crime data and reporting and with the European Union Agency for Criminal Justice Cooperation on the development of a handbook on cybercrime and fundamental rights; notes the Agency's collaboration with agencies and other entities beyond the JHAN, such as European Foundation for the Improvement of Living and Working Conditions, European Labour Authority and Eurostat in 2022; encourages the exploration and identification of further synergies in order to increase efficiency gains and reduce costs;
11. Notes from its replies to Parliament's written questions that the Agency has taken initiatives in order to increase its efficiency and gains through automatisisation of repetitive tasks, mapping and re-engineering of current business processes, review of the organisational structure to make better use of existing resources, setting up of cooperation platforms in a more systematic way, simplification of the rules and procedures applicable to the management of financial and human resources, as well as qualitative evaluations of the efforts to increase efficiency;
12. Welcomes that the Agency continued to automate and streamline HR processes in 2022, including by expanding the use of Sysper; notes in this context that the Agency launched a new recruitment tool to facilitate selections and create a more user-friendly experience for candidates and for HR and that it introduced additional data tools to automate aspects of the payroll processing; also notes that the Agency has in the meantime adopted the Commission's electronic archiving and records management system (ARES) which resulted in integrating the EU Sign solution which allows for the use of the qualified electronic signature; commends the completion of the preparation for the roll-out of the Commission's Public Procurement Management Tool (e-procurement) in 2023;
13. Notes the Agency's 'do more with less' approach with savings of EUR 350 000 already made and EUR 200 000 expected to be made due to the use of in-house resources for the development of new IT applications and the new cloud-based technologies which have helped the Agency to further optimise its IT infrastructure; notes that the Agency is also seeking efficiency in the use of its resources by adopting Commission applications, reducing the building heating temperature, using paperless procedures in the finance and contracting area and reducing the postal and courier services, among others; encourages the Agency to export best practices in this regard through its cooperation channels with other EU decentralised agencies;
14. Notes that, according to the Court's report, 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; notes nevertheless from the Agency's replies to Parliament's written questions that EMAS certification is foreseen once the Agency relocates to its new premises which also shall adhere to the European Green Deal requirements; commends the Agency for the introduction of public procurement green criteria in connection with environmental and social requirements, and selection and award criteria within the inherent limits of the fact that the Agency mostly procures services;

Staff policy

15. Notes that, on 31 December 2022, the establishment plan was 94 % executed with 68 temporary agents appointed out of 72 authorised under the Union budget (the same number of authorised posts as in 2021); notes that, in addition, 28,4 contract agents full time equivalent (FTEs) and 9 seconded national experts FTEs (including one cost-free) worked for the Agency in 2022; notes a low turnover rate (1,9 %) in 2022; observes moreover that in 2022, the Agency continued to automate and streamline HR processes in order to achieve further efficiencies;
16. Notes with satisfaction the gender balance among the Agency's senior and middle management, with 3 men (50 %) and 3 women (50 %) at management board (MB) level, with 33 out of 65 members (51 %) being women, and within the Agency's overall staff, with 57 out of 105 members (54 %) being women; notes that gender balance is one of the Agency's cardinal non-discrimination targets and retains special focus in the work of its bodies, such as the Equality and Diversity Group, which works to promote gender non-discrimination in all aspects of HR processes at the Agency;

17. Notes that the Agency employed staff from 23 Member States as of 1 October 2022; welcomes the Agency's efforts to reach geographical balance; notes that as part of the Agency's Equal Opportunities and Non-Discrimination Strategy the promotion of diversity, including geographic balance, is part of the overarching objectives in HR processes such as recruitment and selection;
18. Observes that the Agency has taken several measures for integration of persons with disabilities, by providing accommodation, making improvements to its premises to facilitate accessibility, allowing exceptional teleworking and organising regular training on disability awareness for staff; welcomes the Agency's efforts to attract traineeship applications from candidates with disabilities; notes that the Agency is also preparing a disability support policy;
19. Notes that the Agency has supported its staff wellbeing by providing psychological support services, encouraging physical activity through a new scheme adopted in 2022 which provides a financial contribution for sports membership and by adopting the Commission's rules on hybrid working;

Prevention and management of conflicts of interest and transparency

20. Notes that the CVs and declarations of interest of the members of the MB and the management team have been published on the Agency's website; notes that, according to the Agency's follow-up report, the Agency took the decision to no longer publish on its website the information on in-house experts;
21. Welcomes the Agency's exercise carried out in 2022 for the revision/update of the declarations of interest of all staff with some preventive recommendations issued as a result; notes moreover that the Agency provides compulsory training for staff on ethics and integrity and gives guidance for the assessment of outside activities; notes, with regard to monitoring of compliance of the Agency's former staff with the applicable decisions in the area of 'revolving door' and related restrictions, that the Agency is assessing the possibility to make random controls; calls on the Agency to report to the discharge authority on the progress made in this matter;
22. Notes that in 2022 the Agency identified a potential risk of a perceived conflict of interest of an MB member in connection with a Project Contract signed by the Agency and funded by the EEA/Norway Grants; notes that, following an assessment, it was concluded that the situation did not constitute an actual conflict of interest; welcomes nevertheless the measures taken to mitigate such risks, including to request ahead of the next MB meeting an update of the declaration of interest by the MB member concerned, as well as to request that that member abstains in any decision taken by the MB in relation to the project in question;

Internal control

23. Notes that the Agency assessed in 2022 its internal control systems and has concluded that they are effective and the components and principles are present and overall functioning well, with some minor deficiencies related to principles 5, 13 and 14 in relation to the timely conclusion of the Career Development Report exercise, as well as the need to improve the strategy for internal and external communications stakeholder management;
24. Notes that the action plan, with regard to the Agency's anti-fraud strategy updated in 2021, is under implementation, with all the actions thereof addressed, including a dedicated fraud risk assessment, raising staff awareness of fraud prevention and whistleblowing rules, and a timely update of the legal framework;

Other comments

25. Welcomes the Agency's efforts made to increase its public visibility and online presence; commends the improved metrics of the Agency with regard to the use of various social media platforms in 2022; notes that in 2022 the Agency developed a social media campaign titled 'Our Data, Your Ally' to inform young people about the youth data they can use in their advocacy work; notes further that in 2022 the Agency (co-)organised 134 meetings and events, including workshops and webinars, as well as the fourth Fundamental Rights Dialogue in Paris in collaboration with the French Presidency of the Council, the liaison offices of the Commission and Parliament in France and the City of Paris and the first-of-its-kind residential Human Rights Leaders and Experts Meeting titled 'Putting human rights at the heart of Europe's future' which brought together 60 diverse stakeholders;
26. 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.