

**RESOLUTION (EU) 2019/1522 OF THE EUROPEAN PARLIAMENT
of 26 March 2019**

**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 Law Enforcement Cooperation
(Europol) (before 1 May 2017: European Police Office) for the financial year 2017**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2017,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0154/2019),
- A. whereas, according to its statement of revenue and expenditure ⁽¹⁾, the final budget of the European Union Agency for Law Enforcement Cooperation ('Europol') for the financial year 2017 was EUR 119 234 720, representing an increase of 14,35 % compared to 2016; whereas the increase was due to additional tasks expanding its mandate; whereas Europol's budget mainly derives from the Union budget;
- B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the European Union Agency for Law Enforcement Cooperation (Europol) for the financial year 2017 (the 'Court's report'), states that it has obtained reasonable assurances that Europol's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that the budget monitoring efforts during the financial year 2017 resulted in a high budget implementation rate of 99,72 %, representing a slight decrease of 0,03 % compared to 2016; notes that the payment appropriations execution rate was 89,01 %, indicating a decrease of 1,97 % compared to 2016;
2. Notes that following the growth prognosis for Europol an additional permanent building will be required as of 2023; asks Europol to consider to be vigilant in relation to the additional costs;

Cancellation of carry-overs

3. Notes with concern that the cancellations of carry-overs from 2016 to 2017 amounted to EUR 834 972, representing 9,08 % of the total amount carried over, showing a notable decrease of 6,35 % compared to 2016;

Performance

4. Notes with satisfaction that Europol monitored its performance through **33** Key Performance Indicators, 36 other performance indicators and the implementation of around 140 specific actions planned in its Work Programme, with the performance reporting framework in general aimed at assessing the added value of Europol's activities and at enhancing its budget management;
5. Notes that Europol achieved 78 % of the targets set for performance indicators (86 % in 2016) and that it progressed in the implementation of 80 % of the actions contained within the 2017 Work Programme (76 % in 2016);

⁽¹⁾ OJ C 108, 22.3.2018, p. 245.

6. Notes with satisfaction that in May 2017 Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽²⁾ became applicable, enhancing Europol's mandate to effectively counter continuously evolving threats from cross-border crimes and terrorism across the Union and beyond;
7. Requests Europol to provide more information on the tasks and budgetary implications of its Internet Referral Unit (EU-IRU), which is not explicitly listed in the budget, but forms part of its European Counterterrorism Centre (ECTC); reminds that Article 4(1) of Regulation (EU) 2016/794 makes a reference to referrals of internet content in relation with terrorism to the online service providers, whereas Europol in close cooperation with industry actually supports related investigations by competent authorities; specifically requests information on the subsequent follow-up on cases identified and referred of terrorist internet content, including at the request of competent authorities in Member States;
8. Recalls the importance and the added value of Europol in the fight against organised crime across Europe and, in particular, its role in funding Joint Investigation Teams ('JITs'); welcomes, in that regard, the recent conclusion of a new memorandum of understanding between Europol and Eurojust ⁽³⁾ laying down criteria and conditions for the financial support to JITs activities provided by both of them;
9. Notes with appreciation that Europol carries out security tasks side-by-side with the European Border and Coast Guard Agency, the European Asylum Support Office and national authorities; notes moreover that Europol shared legal advice with other Union agencies located in the Netherlands and joined in multiple interinstitutional-interagency procurement procedures; encourages Europol to further develop its cooperation with the other institutions, bodies, offices and agencies of the Union in the field of justice and home affairs;
10. Emphasises that Europol is one of the nine Union agencies on justice and home affairs; expresses its disappointment with the outcome of the Interinstitutional Working Group (IIWG) on decentralised agencies' resources, as no specific proposals were developed to merge or co-locate agencies concentrating on related policy fields; asks Europol to cooperate with the eight other Union agencies on justice and home affairs to investigate possible mergers;

Staff policy

11. Notes that, on 31 December 2017, the establishment plan was 97,27 % executed, with 535 temporary agents appointed out of 550 temporary agents authorised under the Union budget (compared with 505 authorised posts in 2016); notes that, in addition, 159 contract agents and 71 seconded national experts worked for Europol in 2017; urges Europol to refrain from relying too heavily on contract agents and to not replace permanent staff by more expensive contract agents;
12. Regrets the gender imbalance within Europol's senior management members, with 133 out of 151 members being male and 18 being female, and within the members of the management board, with 11 out of 53 being female; asks in this regard the Commission and the Member States to take into account the importance of ensuring gender balance when presenting their nominations for members of the management board; asks as well Europol to take measures ensuring better gender balance within its senior management;
13. Notes that Europol has adopted a policy on protecting the dignity of the person and preventing harassment; acknowledges that Europol organised training sessions and enabled confidential counselling;
14. Notes with concern that four formal procedures in the form of administrative inquiries were opened with regard to sexual harassment and inappropriate behaviour during the course of 2017; notes that Europol completed the administrative inquiries with disciplinary action swiftly, where applicable and initiated corresponding actions to address the matter and that no case was taken to court; notes that no administrative inquiry into allegations of sexual harassment was brought forward in Europol in 2018; calls on Europol to do its utmost to avoid structural deficiencies as regards inappropriate behaviour in order to prevent such cases from happening in the first place;

⁽²⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

⁽³⁾ Memorandum of Understanding on the joint establishment of rules and conditions for financial support to joint investigation team activities between Europol and Eurojust, signed on 1 June 2018.

15. Welcomes the suggestion of the Court to also publish vacancy notices on the website of the European Personnel Selection Office in order to increase publicity; understands the concern of Europol as regards translation costs;
16. Encourages Europol to consider adopting a fundamental rights strategy; including a reference to fundamental rights in a code of conduct that could define the duties of its staff and training for staff; setting up mechanisms ensuring that any violation of fundamental rights be detected and reported, and that risks of such violations be swiftly brought to the attention of the main bodies of Europol; establishing, whenever relevant, the position of a fundamental rights officer, reporting directly to the management board to ensure a certain degree of independence vis-a-vis other staff, in order to ensure that threats to fundamental rights shall be immediately addressed, and that a constant upgrading of the fundamental rights policy within the organisation; developing a regular dialogue with civil society organisations and relevant international organisations on fundamental rights issues; making compliance with fundamental rights a central component of the terms of reference of the collaboration of Europol concerned with external actors, including in particular members of national administrations with whom it interacts at operational level;

Prevention and management of conflicts of interest and transparency

17. Notes Europol's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest and whistleblower protection; notes the proactive measures taken against the four potential conflict of interest cases identified in 2017; notes that Europol has published declarations of absence of conflicts of interest rather than declarations of interest; acknowledges however the adoption in October 2018 of a new model declaration on the declaration of interests, by the management board, on the basis of a proposal from Europol; notes with satisfaction that this new model declaration is being applied for all members of the management board, as well as for the Executive Director and deputy executive directors; notes, however, that to this date not all declarations have been updated to the new model; calls on Europol to swiftly proceed in this sense and publish the new declarations;

Internal controls

18. Notes that in 2016 the Commission's Internal Audit Service (IAS) performed an audit on procurement and that in 2017 the final IAS audit report on procurement was released containing three recommendations graded as 'important'; notes that Europol developed an action plan in 2017 and reported to the IAS in August 2018 on the implementation of those recommendations; notes, moreover, that the IAS undertook a risk assessment over the entire organisation's process landscape without grading any process area as 'enhance risk mitigation';
19. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 26 March 2019 ⁽⁴⁾ on the performance, financial management and control of the agencies.

⁽⁴⁾ Texts adopted, P8_TA(2019)0254. See page 361 of this Official Journal.