

RESOLUTION (EU) 2019/1525 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 Fundamental Rights 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 Fundamental Rights 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 (A8-0136/2019),
- 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 2017 was EUR 22 852 250, representing an increase of 5,78 % compared with 2016; 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 European Union Agency for Fundamental Rights for the financial year 2017 ('the Court's report'), has stated 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 appreciation that budget monitoring efforts during the financial year 2017 resulted in a budget implementation rate of 100 %, the same rate as in 2016; notes with concern that the payment appropriations execution rate was low at 72,11 %, representing a slight decrease of 1,1 % compared with the previous year;

Cancellation of carry-overs

2. Notes that the cancellations of carry-overs from 2016 to 2017 amounted to EUR 117 566, representing 2,05 % of the total amount carried over, representing a decrease of 1,22 % in comparison to 2016;

Performance

3. Notes with satisfaction that the Agency uses 31 key performance indicators (KPIs) as part of its Performance Measurement Framework to assess the results and impact of its activities, and five additional KPIs to enhance its budget management;
4. Welcomes the Agency's cooperation with other agencies, notably the European Border and Coast Guard Agency, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, the European Union Agency for Law Enforcement Cooperation, the European Union Agency for Law Enforcement Training and the European Asylum Support Office, in order to achieve common policy objectives;
5. Encourages the Agency to intensify its co-operation with international organisations, such as the Council of Europe and the United Nations, in order to find and use synergies, whenever possible;
6. Notes that the Agency's second external evaluation took place in 2017; notes with satisfaction that the results are positive overall; notes the recommendations put forward to the Commission by the Agency's Management Board;
7. Notes that the Commission requested the Agency for the first time to evaluate the fundamental rights impact of a Union law instrument; acknowledges furthermore that the Agency developed a training module for national authorities in order to promote compliance with the Charter of Fundamental Rights of the European Union ('the Charter');

⁽¹⁾ OJ C 116/04, 28.3.2018, p. 17.

8. Highlights the value of the Agency's studies and opinions for the development of Union legislation; stresses that the Agency should be able to offer opinions on legislative proposals on its own initiative and that its remit should extend to all areas of rights protected under the Charter, including issues of judicial and police cooperation in criminal matters; regrets that the Agency's current mandate limits its possibilities to undertake actions and studies in certain thematic areas; recommends the inclusion of those thematic areas in the new multiannual financial framework;
9. Welcomes the fact that the Agency continued its research on the situation of minorities in the Union in the context of the Second European Union minorities and discrimination survey; in this regard, especially welcomes the publication of the latest thematic report on the discrimination faced by people of African descent in the Union; welcomes, furthermore, the publication of the study on the transition from education to employment of young Roma;
10. Welcomes the Agency's continuous work on doing research on the situation of Roma in the Union, thereby contributing to monitoring the efficiency and shortcomings of the inclusion strategies and related policies of the Union and its Member States; especially welcomes the research-based policy recommendations of the Agency concerning the successful fight against anti-Gypsyism and the fight for the social inclusion of Roma;
11. Welcomes the commitment of the Agency on children's rights, which has been continued with the studies carried out on the minimum age requirements for participation in criminal and civil proceedings across the Union, on the age assessment and fingerprinting of children in asylum proceedings and on child poverty in the Union.

Staff policy

12. Notes that, on 31 December 2017, the establishment plan was 97,22 % executed, with 70 temporary agents appointed out of 72 temporary agents authorised under the Union budget (compared with 74 authorised posts in 2016); notes that, in addition, 30 contract agents and 8 seconded national experts worked for the Agency in 2017;
13. Notes that the Agency has adopted a policy on protecting the dignity of the person and preventing harassment; acknowledges that it offers confidential counselling as well as training sessions; notes that two allegations of inappropriate behaviour were investigated in 2017 and closed in 2018;

Procurement

14. Regrets that this led to additional administrative overhead for the Agency and although it affected the timing of its operations it did not cause any delay to the implementation period of projects; notes that measures have been taken by the Agency to mitigate risks of unsuccessful tender procedures in the future; notes the request for additional funding of the Agency but points out that budgetary constraints should not lead to unsuccessful public procurement procedures; asks therefore the Agency to conduct appropriate market research before launching call for tenders for studies and to continue to improve the efficiency of its public procurement procedures;
15. Notes that, according to the Court's report, by the end of 2017, the Agency had not yet introduced all of the tools launched by the Commission aimed to introduce a single solution for the electronic exchange and storage of information with third parties participating in public procurement procedures (e-procurement); notes that, according to the Agency, it already has some of the tools in place and that it is in the process of introducing the remaining tools by the beginning of 2019; calls on the Agency to report to the discharge authority on the implementation of all the necessary tools;

Prevention and management of conflicts of interests and transparency

16. Acknowledges the Agency's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest, and whistleblower protection; notes that, according to the Agency, it assessed and mitigated a number of potential and perceived conflicts of interest in 2017, with none resulting in actual conflicts;

17. Notes that, according to the Court's report, there is a need to strengthen the accounting officer's independence by making him directly responsible to the Agency's Director and Management Board; welcomes the fact that such reorganisation is expected to be implemented by the end of 2018; calls on the Agency to report to the discharge authority on the implementation of the reorganisation;
18. Notes that, during recent years, two legal proceedings were brought against the Agency concerning allegations of irregular recruitment decisions; notes that the General Court of the European Union dismissed both cases and ordered the applicants to pay the costs; notes the allegations in the press of potential conflict of interest relating to the use of the consulting services of a former stand-by temporary judge of the Civil Service Tribunal; calls on the Agency to report to the discharge authority on measures taken to mitigate any risks of potential conflict of interest;

Internal controls

19. Notes that in 2017 the Commission's Internal Audit Service carried out an audit on governance and ethics in the Agency, and that an external evaluation of the Agency's performance in the 2013-2017 period was carried out on behalf of the Commission; acknowledges that the Agency prepared action plans to address any areas for improvement;
20. Welcomes the closure of the 2016 recommendation of the Court regarding the improvement of the Formal (sub-) delegations process for authorising officers;

Other comments

21. Notes the Agency's efforts to ensure a cost-effective and environmentally-friendly working place; points out, however, that the Agency does not have additional specific measures in place to reduce or offset CO₂ emissions;
22. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 26 March 2019 ⁽²⁾ on the performance, financial management and control of the agencies.

⁽²⁾ Texts adopted, P8_TA(2019)0254. See page 361 of this Official Journal.