

# 2019 discharge: European Border and Coast Guard Agency (FRONTEX)

2020/2167(DEC) - 28/04/2021 - Text adopted by Parliament, single reading

The European Parliament decided by 528 votes to 127, with 43 abstentions, to postpone its decision on the discharge to the Executive Director of the European Border and Coast Guard Agency in respect of the implementation of the Agency's budget for the financial year 2019 and to postpone the closure of the Agency's accounts.

## *Budgetary and financial management*

Parliament welcomed the fact that the budget monitoring efforts in 2019 resulted in a budget implementation rate of 99.84%, which represents an increase of 1.46% compared to 2018. However, it noted with concern that the implementation rate for payment appropriations was 69.13%, a decrease of 0.56% compared to 2018.

In 2019, the Agency had funding agreements with cooperating countries for operational activities which represented 55% of the Agency's budget. The Agency has taken steps to improve ex ante verifications and has reintroduced ex post verifications of reimbursements in 2019.

Members are concerned that the reimbursement of equipment-related expenditure is still based on actual costs and deeply deplores the fact that the project to move to unit-cost based reimbursements is still not completed. They are concerned that, according to the Court's report, cooperating countries did not always submit supporting documents for their cost claims showing the actual costs incurred in operations and that there were delays in submitting supporting documents.

Parliament called on the Agency to stop reimbursing for claims submitted without invoices, to finalise immediately the plan to move to unit cost reimbursements and to apply fully all principles of sound financial management.

Members also regretted that the Agency had changed the contractual provisions for reconstruction work on the Agency's premises at a late stage of the project and introduced the possibility of pre-financing of work still to be completed, whereas payments were initially foreseen only at the time of acceptance of the work. They invited the Agency to reconsider its mechanisms for such payments and also asked it to be more prudent in its budgetary implementation with regard to the organisation of events.

## *Performance*

Parliament noted that the Agency uses certain measures as key performance indicators to assess the added value of its activities but called on the Agency to clarify why 'refusal of entry' is included in the key performance indicators.

The first technical and operational strategy for integrated European border management was adopted in March 2019. However, Members are concerned about the Court's findings from the previous year that the Agency still does not have a comprehensive business continuity plan approved by the Management Board. They invited the Agency to inform the discharge authority of the steps taken to adopt and implement such a plan.

The Agency is invited to provide its Fundamental Rights Officer with adequate resources and staff, in particular with a view to better developing and implementing the Agency's strategy for monitoring the situation of fundamental rights and ensuring their protection.

### ***Staffing policy***

Parliament regretted that as of 31 December 2019, only 75.83% of the establishment plan had been filled, with 367 temporary agents appointed out of the 484 temporary agents authorised under the EU budget (compared to 418 posts authorised in 2018). In addition, 214 contract agents and 168 seconded national experts worked for the Agency in 2019.

Members called on the Agency to address the significant gender imbalance reported for 2019, particularly at Management Board level (48 men and 8 women). They are also concerned about reports from journalistic investigations regarding the attitude of high ranking officials towards lower ranking staff. They highlighted in particular its concerns about reports of insulting and disrespectful behaviour towards staff, as well as remarks that allegedly control mechanisms at the Agency are becoming less effective.

The Agency's management has not taken the necessary steps to adapt to the changes in the role and competences of the Fundamental Rights Officer and Fundamental Rights monitors, which came into force in December 2019. This has led to several delays in the implementation of the fundamental rights provisions within the Agency.

### ***Public procurement, transparency***

Parliament took note of the Agency's procurement of remotely piloted aircraft systems for medium altitude long endurance maritime aerial surveillance within a framework contract totalling a maximum of EUR 50 million and a maximum total duration of the contract of four years for each of the respective contractors in 2020.

Members recalled that both to rescue migrants in distress at the external border and to procure technical equipment to ensure border management are essential parts of the Agency's mission and encouraged the Agency to continue following the applicable procurement rules when acquiring technical equipment.

The resolution noted with concern that, according to journalistic investigations, the Agency held several meetings between 2018 and 2019 with representatives of industries relevant to its field of work and that 70% of these meetings involved representatives of companies not listed in the Union's transparency register.

### ***Respect for fundamental rights***

Parliament took note of repeated allegations of complicity by the Agency in fundamental rights violations by the Greek authorities concerning its involvement in migrant pushbacks. It recalled that the Agency is mandated to control borders while ensuring that border controls are conducted in accordance with the fundamental rights, the Convention relating to the Status of Refugees.

The resolution stressed the need to involve the Frontex Management Board Working Group, set up by Parliament's Committee on Civil Liberties, Justice and Home Affairs, in order to fully clarify the incidents. The Agency is asked to inform Parliament regularly about its work at the external borders.