

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

2020/2167(DEC) - 21/10/2021 - Text adopted by Parliament, single reading

The European Parliament decided, by 558 votes to 82, with 46 abstentions, to grant discharge to the Executive Director of the European Border and Coast Guard Agency in respect of the implementation of its budget for the financial year 2019.

Issues with expenditure identified by the Court of Auditors

According to the resolution accompanying the discharge decision, Members acknowledged that Frontex is taking steps to remedy the expenditure problems identified by the Court of Auditors.

Members noted the Agency's reply to the discharge authority concerning its willingness to revise its mechanisms concerning the construction payments and to ensure compliance with the principles of sound financial management. They welcomed the fact that the Agency had experimented with the unit cost approach for heavy technical equipment with two Member States. They regretted, however, that the problem of lack of supporting documents had not been resolved and reminded the Agency not to accept reimbursements for expenditure claims not supported by invoices.

The Court's Special Report 08/2021 entitled: 'Frontex's support to external border

management: not sufficiently effective to date'

Parliament is concerned that the Court's Special Report identified several shortcomings related to the Agency's primary activities listed by the Court, namely situation monitoring, risk analysis, vulnerability assessment, joint operations and rapid border interventions, return operations and training of the Agency, as well as the lack of needs analysis and impact assessments prior to the exponential increase in the Agency's expenditure. It is concerned that the Agency has not taken all the necessary steps to **adapt its organisation** to fully implement its mandate

Members are also concerned that Agency's operational reporting fails to inform decision-makers adequately as it lacks information on actual costs and performance. Despite the presence of a functional information exchange framework to provide relevant information on the migration situation at the external borders, **it has not been possible to provide accurate, complete and up-to-date knowledge of the situation at the EU's external borders.** Members regretted that an adequate information exchange framework has not yet been established for **cross-border crime** affecting the capacity of the Agency and Member States to respond quickly to any threats detected.

Conditionality and respect for fundamental rights

Parliament noted that the Commission and the Agency accepted or partially accepted all the Court's recommendations. It called on the Agency to comprehensively and in a timely

manner and inform the discharge authority of the progress made.

Members called on the budgetary authority to **put part of the Agency's 2022 budgetary appropriations in a reserve** which can be released when the following conditions are met, in particular: (i) the recruitment of 20 Fundamental Rights monitors and three deputy executive directors, (ii) the adoption of a

specific detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, (iii) the submission of an adequate serious incident report mechanism and (iv) the establishment of a fully operational Fundamental Rights monitoring system.

Parliament called on the Agency to:

- regularly inform the discharge authority about the results of the implementation and use of the Agency's transparency register;
- ensure that it complies with all fundamental rights obligations enshrined in Regulation (EU) 2019/1896 in the implementation of integrated border management, both in strategic and operational activities;
- provide a detailed report to the Parliament outlining its plans for the implementation of the recommendations made by the Frontex Supervision Working Party and on the progress made with regard to the fulfilment of the Agency's fundamental rights obligations;
- appoint the remaining 20 fundamental rights monitors in a timely manner and at AD grade, in order to ensure that they are able to perform their tasks independently.