

RESOLUTION (EU) 2021/1612 OF THE EUROPEAN PARLIAMENT**of 29 April 2021****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 Training (CEPOL) for the financial year 2019**

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 Training (CEPOL) for the financial year 2019,
- 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 (A9-0071/2021),

- A. whereas, according to its statement of revenue and expenditure ⁽¹⁾, the final budget of the European Union Agency for Law Enforcement Training (CEPOL) (the 'Agency') for the financial year 2019 was EUR 18 267 682 representing an increase of 75,37 % compared to 2018, mainly caused by a change of reporting on financial paragraphs related to delegation and contribution agreements with a multi-annual character; whereas approximately half the Agency's budget is financed by a contribution from the Union and the other half by assigned revenue from projects;
- B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2019 (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;

Budget and financial management

1. Notes with appreciation that the budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,90 %, representing an increase of 1,93 % compared to 2018; notes that the execution rate of payment appropriations was 89,32 %, representing an increase of 12,81 % compared to the previous year;

Performance

2. Welcomes the fact that the Agency uses key performance indicators to improve its budget management and to measure its training activities and their impact, in particular the satisfaction level of the participants, in order to assess the added value provided by those activities;
3. Reminds the Agency to regularly review and update its performance measurement system and key performance indicators to ensure the Agency's efficient contribution and expertise at Union level; encourages the Agency to carefully analyse the outcomes and use them to improve its strategy and activity planning;
4. Notes with satisfaction that the Agency has successfully delivered its mandate, and in some cases exceeded the objectives set in its annual work programme for 2019;
5. Highlights the role of the Agency in providing national law enforcement experts with information on latest developments in the fields of security, law enforcement and information exchange, and in facilitating the sharing of best practices;
6. Expresses its satisfaction that the Agency training activities are closely aligned with the requirements voiced by the EU Policy Cycle EMPACT groups while expertise was secured from Member States, European Union Agency for Law Enforcement Cooperation (Europol), European Union Agency for Criminal Justice Cooperation (Eurojust), European Border and Coast Guard Agency, European Judicial Training Network, European Union Agency for Fundamental Rights, European Asylum Support Office and other stakeholders;

⁽¹⁾ OJ C 107, 31.3.2020, p. 96.

7. Welcomes the fact that in 2019 the Agency carried out 327 training activities which saw the participation of 34 723 police officers; also expresses its satisfaction that another 28 students were able to graduate from the European Joint Master Program (EJMP);
8. Observes that the Agency contracted an external provider to evaluate the process and impact of the EU-Strategic Training Needs Assessment (EU-STNA) pilot exercise to prepare for the next strategic plan phase in 2019 in order to launch the new EU-STNA in 2021;
9. Notes that the Agency has identified cybercrime as its key priority for the upcoming years, and that the CEPOL Cybercrime Academy (CCA), hosted at the premises of the Hungarian International Training Centre, was established in 2019 providing a platform fully configured to simultaneously train up to 100 participants;
10. Welcomes the fact that the Agency continues to closely cooperate with the Justice and Home Affairs agencies' network, and agencies which comprise it, including in particular the Europol and the European Border and Coast Guard Agency; notes that they share training activities and organise courses together; notes that the Agency actively cooperates with the European Institute of Innovation and Technology (EIT) sharing facilities and support for recruitment and procurement procedures; acknowledges the fact that the Agency has outsourced accounting services to the Commission since 2014; encourages the Agency to actively seek further and broader cooperation with other Union bodies, offices and agencies;
11. Calls on the Agency to continue to increase cooperation and exchange of good practices with other Union bodies, offices and agencies with a view to improve efficiency as regards human resources, building management, IT services and security;
12. Observes that, following the five-year periodical external evaluation concluded in January 2016, for which the Agency had to implement corrective actions, 32 actions addressing 17 recommendations needed to be completed by the end of 2018; notes that since the adoption of the action plan 31 actions have been completed by 2020 and that the one pending action is related to the further development of the Agency's e-learning platform (LEEd);

Staff policy

13. Notes that, on 31 December 2019, the establishment plan was 93,75 % executed, with 30 temporary agents appointed out of 32 temporary agents authorised under the Union budget (compared to 32 authorised posts in 2018); notes that in addition, 17 contract agents and 5 seconded national experts worked for the Agency in 2019;
14. Highlights that in 2019, the Agency received a high number of applications to the programmes it offers; underlines that the Agency was only able to accommodate 47 % of that demand for the exchange programme and has had to decline 55 % of the applicants for a course on cybercrime activities due to a shortage in human resources; calls on the Commission and co-legislators to further engage with the Agency in the process of allocating budgetary resources in order to address staff shortfalls and allow the Agency to fully implement its mandate;
15. Notes that gender balance was almost achieved in 2019 among senior managers (2 men and 1 woman); is concerned, however that there is no gender balance among the members of the management board (20 men and 8 women); asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;
16. Observes that, following its relocation from the United Kingdom to Hungary and the resulting lower correction coefficient applied to staff salaries, the staff turnover has been high and geographical balance has not always been maintained as applications from Member States other than the host country have decreased; notes that in 2019, the Agency continued to receive a significant number of applications from Hungarian citizens and host Member State nationals continued to be overrepresented in the total number of staff; notes with appreciation that in 2019, in order to reduce the high staff turnover, the Agency continued to implement staff retention and business continuity measures, for example, the Agency engaged a number of interim staff and seconded national experts, awaiting the completion of the recruitment of statutory staff, continued the reclassification of staff and functions and maintained social arrangements (e.g. schooling for staff's children), teleworking and flexitime arrangements;

17. Highlights the difficulties faced by the Agency in the recruitment and retention of qualified staff; underlines that the correction coefficients vary significantly from one Member State to another, having a serious impact on the ability of agencies located in Member States with lower correction coefficients to recruit and retain staff and expertise; calls on the Commission to consider the possibility of setting up different correction coefficients based on a regional rather than national assessment; highlights that usually the headquarters of agencies located in Member States with lower correction coefficients are in capital cities where living and subsistence costs are significantly higher than in other parts of the countries;
18. Encourages the Agency to pursue the development of a long-term human resources policy framework which addresses work-life balance, lifelong guidance and career development, gender balance, teleworking, geographical balance and the recruitment and integration of people with disabilities;
19. Recalls the suggestion of the Court in 2018 to publish vacancy notices on the website of the European Personnel Selection Office in order to increase publicity and to avoid incurring high translation costs; notes that the Agency publishes all its vacancies on its own website, social media and on the interagency job board developed by the EU Agencies Network; calls for the Agency to take appropriate measures and report an update to the discharge authority with steps taken to publish vacancy notices on the website of the European Personnel Selection Office;
20. Welcomes the Agency's efforts to build a more diverse and inclusive work environment and culture by taking actions in favour of people with disabilities; asks the Agency to assess the possibilities of further strengthening and integrating the principles of equal opportunities in recruitment, training, career development, working conditions as well as to raise staff awareness of those aspects; calls on the Agency to consider the possible reasonable improvements and modifications of its buildings, including as regards access and adequate office equipment, for people with reduced mobility or other disabilities;

Procurement

21. Recalls from the Court's report 2018 that the Agency had not yet introduced all the tools launched by the Commission aiming to introduce a single solution for the electronic exchange of information with third parties participating in public procurement procedures (e-procurement); notes with satisfaction that the Agency introduced e-invoicing and e-tendering in 2018 and introduced e-submission in 2019, thus fully implementing e-procurement;
22. Notes that in 2018, the Agency awarded a framework contract for travel arrangements for its own staff and for participants in training, without requesting an explanation from the winning tenderer for its potentially abnormally low tender; acknowledges that the Agency has changed its policy to ensure proper documentation on (potential) abnormally low prices for a winning tender, including a specific paragraph to request and analyse the reasons for potentially abnormally low tenders;

Prevention and management of conflicts of interest, ethics and transparency;

23. Notes the Agency's existing measures and ongoing efforts to secure transparency and prevention and management of conflicts of interest, and to ensure the protection of whistleblowers; expresses satisfaction that the Agency has set up and implemented a Code of Administrative Behaviour and guidelines on whistleblowing in 2019 and appreciates the fact that declarations of interest and the CV's of management board members and senior management are published on the website of the Agency; notes with appreciation that in 2019 the management board has approved implementing decisions on whistleblowing as well as on the setting up of a staff committee;
24. Underlines the fact that the current ethical framework applicable to Union institutions, bodies, offices and agencies suffers from considerable drawbacks due to its fragmentation and lack of consistency between existing provisions; highlights that those issues should be addressed by setting up a common ethical framework, ensuring the application of high ethical standards for all Union institutions, bodies, offices and agencies;

25. Underlines that certain officials fill in declarations of absence of conflicts of interest and provide self-assessments with regard to respect for ethical standards; highlights, however, that such self-declarations and self-assessments are not sufficient and that additional scrutiny is therefore needed;

Internal controls

26. Notes that in 2019, the Agency undertook an internal exercise to assess its internal control systems, concluding that they have been effectively implemented and that only minor improvements are needed;
27. Notes that, according to the Court's report, on one occasion, a budgetary commitment of EUR 180 000 was approved in the accrual-based accounting system (ABAC) by an inappropriately authorised staff member and thus the Agency should ensure consistency between ABAC authorisation rights and the written decision signed by the executive director; notes from the Agency's reply that the identified non-compliance was documented in the register of exceptions and non-compliance events, together with actions for improvement, in order to strengthen the controls over ABAC rights; calls on the Agency to report to the discharge authority about the actions for improvement it implemented and to avoid any future situations where budgetary commitments are approved by inappropriately authorised staff members, and to ensure full compliance with all principles of sound budgetary execution;
28. Regrets that, according to the Court's report, on one occasion, a framework contract with a value of EUR 100 000 was signed by an authorising officer whose authorisation limit for legal commitments was EUR 60 000 and the executive director did not provide specific sub-delegations during his absence in order to ensure the continuity of Agency's operations; notes from the Agency's reply that, following the audit finding, an amended decision on sub-delegations was adopted, where allocated ceilings for authorised officers were increased to better enable continuity of operations; calls on the executive director to ensure the business and operation continuity at all times, including during temporary absences;
29. Notes that the Agency performed a staff engagement survey in 2019 with the aim of measuring soft controls (integrity, leadership, competencies, openness and motivation); acknowledges that the Agency has created an action plan to increase awareness of the soft controls in place;
30. Notes that, according to internal audit findings, the Agency does not have enough office space and area for operational activities and that it operates from three different physical locations, bringing additional challenges especially from IT and document workflow perspective; acknowledges the Agency's ongoing discussions with the Hungarian government to find suitable office space;
31. Notes that in 2019, the Commission's Internal Audit Service issued an audit report on 'Training implementation, knowledge sharing and monitoring of results', which was followed by a corrective action plan that is under implementation; notes that the Internal Audit Service formulated one critical finding concerning the design and establishment of the EJMP; acknowledges that the management board decided to postpone the continuation of the EJMP for one year, to enable an open procurement procedure for the next cycle, therefore the non-compliant practice was stopped;

Other comments

32. Notes that in February 2017, the Agency successfully concluded ISO 9001:2015 certification of the Agency's management system in order to improve and better demonstrate its commitment to quality; observes that, based on the positive results of surveillance audits implemented in 2019 and in the beginning of 2020, the Agency has maintained its certification;
33. Notes with appreciation that the ISO 29993 certification had been successfully obtained for four key residential activities and that in 2019 pre-course quality control was introduced for granted residential activities;

34. Notes that the Agency has an extendable rental contract in place since beginning of November 2019 and lasting for one year at Avenue de la Joyeuse Entrée, 17-21 Brussels, for a pilot project of a Brussels liaison office, in order to facilitate the dialogue and exchange of information with the Union institutions and Justice and Home Affairs agencies present in Brussels;
35. Deplores the fact that the Agency does not have a policy regarding cybersecurity and protection of digital records in its possession which in current times is very important; acknowledges that in 2020 the Agency initiated the process to implement the advanced records management system (ARES) as a document management system together with EIT; calls on the Agency to cooperate with other Union bodies, offices and agencies in developing and implementing a strong and reliable cybersecurity policy; calls on the Agency to report to the discharge authority regarding the progress of implementation;
36. Stresses the importance of increasing the digitalisation of the Agency in terms of internal operations and management procedures; stresses the need for the Agency to continue to be proactive in that regard in order to avoid a digital gap between the agencies at all costs; draws attention, however, to the need to take all the necessary security measures to avoid any risk to the online security of the information processed;
37. Welcomes the fact that the Agency has adopted the comprehensive strategy towards its digitalisation, addressing its digitalisation needs with the objective of providing a holistic long-term vision on the development of a technology-enhanced business model; encourages the Agency to further develop its digitalisation strategy;
38. Points out that a complex approach is needed in order to make the websites of the Union institutions, bodies, offices and agencies accessible to persons with all kinds of disabilities as provided for in Directive (EU) 2016/2102 ⁽²⁾, including the availability of national sign languages; suggests that organisations representing disabled persons are involved in that process;
39. Notes that the Agency did not carry out a comprehensive analysis of the impact of the UK's withdrawal from the Union on its organisation, operations and accounts; acknowledges the fact that the UK did not take part in the adoption of Regulation (EU) 2015/2219 ⁽³⁾, thus treating the Agency's operational activities with the UK as with a third country; notes that under Regulation (EU) 2015/2219 the Agency's operational activities with third countries are regulated by working arrangements and such an arrangement does not yet exist with the UK;
40. Notes that the Agency managed in 2019 to connect with a wider demographic of people by reinforcing its presence in social media;
41. Encourages the Agency to continue promoting its work, research and activities to increase its public visibility;
42. Notes the Agency's efforts to ensure a cost-effective and environment-friendly work-place; regrets the fact that the Agency does not have a carbon offsetting scheme in place but acknowledges on the basis of the Agency's reply to the standard questionnaire that the cost of participating in such a scheme cannot be covered from its limited financial resources, and acknowledges that the Agency encourages its staff to make use of public transportation to reduce emissions and considers reimbursing the costs for public transport for employees;
43. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ⁽⁴⁾ on the performance, financial management and control of the agencies.

⁽²⁾ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

⁽³⁾ Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA (OJ L 319, 4.12.2015, p. 1).

⁽⁴⁾ Texts adopted, P9_TA(2021)0215.