

RESOLUTION (EU) 2022/1804 OF THE EUROPEAN PARLIAMENT**of 4 May 2022****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 (FRA) for the financial year 2020**

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 2020,
 - 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 (A9-0111/2022),
- 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 2020 was EUR 24 167 314, representing an increase of 5,67 % compared to 2019; 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 Agency for the financial year 2020 (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 satisfaction that budget monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 100,00 %, the same rate as in 2019; notes that the payment appropriations execution rate was 70,85 %, representing a decrease of 7,85 % compared to 2019;
2. Notes that, according to the Court's report and the Agency's reply in the follow-up to the 2019 discharge, carry-overs of committed appropriations were high for Title III, which mainly reflect the nature of the Agency's core activities, which include the financing of studies and other awareness-raising activities, spanning several months, often extending beyond the end of a year; notes that the carry-overs of committed appropriations for Title III represent an increase of 23 % compared to the same appropriations in 2019; notes that a significant part of Title III carry-overs amounting to 25 % in 2021 were committed in December 2020; further notes that the Agency's Title III carry-overs in 2020 added up to 28 % of the committed carry-overs from 2019; notes that those findings are indicative of a structural issue at the Agency and calls on the Agency to resolve the problem by improving its budget planning and its implementation cycles;

Performance

3. Underlines the important role of the Agency in helping to ensure that the fundamental rights of people living in the Union are promoted and protected; recalls the importance of the Agency in promoting a reflection on security and fundamental rights; highlights, in particular, the value of the Agency's studies and opinions for the development and implementation of Union law; recalls the Agency's commitment to the protection of vulnerable groups and against any form of discrimination;

⁽¹⁾ OJ C 114, 31.3.2021, p. 60.

4. Notes with satisfaction that the Agency responded to the COVID-19 pandemic by publishing six bulletins, which provided a timely and comprehensive overview of the fundamental rights implications of national measures adopted across the Union to safeguard citizens from COVID-19; recalls, however, that additional resources were not provided to the Agency for the purposes of that additional task; welcomes the fact that, despite the challenges posed by the COVID-19 pandemic, the Agency produced 163 079 materials and tools related to awareness-raising activities, which is well above the target set for 2020; appreciates the increased media presence of the Agency;
5. Underlines the continuous monitoring by the Agency of the many fundamental rights challenges that result from collecting, storing and processing data in large-scale IT systems and the interoperability of those systems; highlights the fact that the Agency stresses the potential fundamental rights risks, with respect to the protection of personal data, protection against discrimination, and the right to an effective remedy and the need to properly implement safeguards;
6. Acknowledges the complex nature of the studies carried out by the Agency, covering the law and practice of all Member States, and the high number of publications produced and training courses delivered to ensure fundamental rights compliance, which also contribute to and feed into the work of different Union bodies and agencies;
7. Highlights the commitment of the Agency to the protection of vulnerable groups and to the protection against all types of discrimination within the Union; welcomes that the proposal for a Council Regulation amending Regulation (EC) No 168/2007 ⁽²⁾ clarifies the scope of the Agency's activities, covering all the competences of the Union;
8. Notes that the Agency uses 31 key performance indicators as part of its performance measurement framework to assess the results and impact of its activities and 5 additional key performance indicators to enhance its budget management; notes that a reform of its performance measurement framework was launched in 2020 to assess the impact of the Agency at both strategic and operational level;
9. Welcomes the Agency's cooperation with other agencies, in particular the European Border and Coast Guard Agency, the European Foundation for the Improvement of Living and Working Conditions, the European Institute for Gender Equality, 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 Criminal Justice Cooperation, the European Union Agency for Law Enforcement Training, the European Asylum Support Office and the European Monitoring Centre for Drugs and Drug Addiction to achieve common policy objectives; welcomes the fact that, in addition, the Agency regularly supports other Union agencies to reflect obligations stemming from the Charter of Fundamental Rights of the European Union in their work; encourages the Agency to continue to explore ways of sharing resources and staff in overlapping tasks among other agencies with similar activities;
10. Welcomes the extension of the Agency's fundamental rights advice to other agencies, especially in assisting the European Border and Coast Guard Agency with the deployment of 40 fundamental rights monitors across its operations;
11. Welcomes the fact that the Agency successfully implemented its annual work programme in 2020 and managed to accomplish all targets; welcomes the intensification of the cooperation between the Agency and international organisations such as the Council of Europe and the United Nations; reiterates its appreciation of the launch of the European Union Fundamental Rights Information System for the more systematic use of assessments of the international human rights obligations of the Union and the Member States;

Staff policy

12. Notes that, on 31 December 2020, the establishment plan was 97,22 % implemented, with 70 temporary agents appointed out of 72 temporary agents authorised under the Union budget (compared to 72 authorised posts in 2019); notes that, in addition, 32 contract agents and 9 seconded national experts worked for the Agency in 2020;

⁽²⁾ COM(2020) 225.

13. Welcomes the gender balance among the Agency's senior management members, with 3 out of 6 members (50%) being of the same gender, and among the Agency's overall staff, with 53 out of 102 members (51,96%) being women; notes the gender balance among the Agency's management board members, with 30 out of 50 members (60%) being 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;
14. Notes the Agency's report that changed working methods during the COVID-19 pandemic have blurred the difference between working and leisure time for staff; notes the measures taken by the Agency to support the health, safety and well-being of its staff by providing adequate IT support, ensuring access to information, reimbursing office equipment at home, introducing flexible working arrangements, making sure to maintain communication between staff and heads of unit, and asking staff to provide feedback on their main concerns and what innovations they would have liked to see; further notes the surveys performed by the Agency on the lockdown experience of staff and the results of the December 2020 survey that showed that 75 % of the staff were satisfied with the flexible working arrangements and 85% felt adequately informed on developments regarding working arrangements;

Procurement

15. Welcomes the fact that the Court's observation regarding e-tendering and e-submission has been acted upon and completed; welcomes the fact that the Agency introduced its first open call for tenders with e-submission during the first quarter of 2020;
16. Notes that the Agency launched 11 procurement procedures, two open and nine negotiated; notes that the Agency signed 632 contracts; notes that three of the agreements were direct contracts representing a total of EUR 3 362 306, 529 were specific contracts or order forms against framework contracts adding up to EUR 7 824 667, and 100 were low-value contracts equal to EUR 486 243;

Prevention and management of conflicts of interest and transparency

17. Welcomes the Agency's existing measures and its ongoing efforts in relation to securing transparency, in relation to the prevention and management of conflicts of interest and in relation to whistleblower protection; notes that there were a number of cases of potential and perceived conflicts of interest that were assessed and mitigated and that no such cases were reported in 2020; notes with satisfaction that the CVs and declarations of interests of almost all members of the management board and senior management have been published on the Agency's website; calls on the Agency to publish the remaining CVs and declarations of interests and welcomes the measures already taken to mitigate the risks;

Internal control

18. Notes that in 2019 the Commission's Internal Audit Service performed an audit on the Research Project Design & Implementation, including procurement; notes that, according to the Agency, no critical risks were identified; notes, however, that the Internal Audit Service's audit resulted in four important recommendations; notes that the Agency was expected to implement those recommendations by the end of 2021;
19. Notes that, with regard to the follow-up observations to the 2019 discharge, the Agency welcomed the proposal of a common ethical framework for Union institutions and agencies and is ready to contribute to the relevant networks;
20. Notes that the Agency has adopted an internal control framework based on international good practice in order to ensure the achievement of its policy and management objectives; notes that in 2020 the Agency performed an internal assessment on the level of implementation of the new internal control framework and concluded that almost all components of the internal control framework are present and are functioning together in an integrated manner; notes that the Agency should undertake actions to improve the regular updating of job descriptions, should seek to achieve the timely implementation of the career development report exercise, should assess the possibility of outsourcing the establishment of an integrated internal communication policy and should strengthen budget planning and monitoring at management level using dedicated reporting tools;

COVID-19 response and business continuity

21. Notes that, despite the challenges posed by the COVID-19 pandemic, the Agency's results in 2020 were in line with its multiannual single programming document and with the amendments thereto, which consisted of activating its business continuity plan and reprioritising its work;
22. Acknowledges the challenges presented by the COVID-19 pandemic and related measures introduced by Members States to contain COVID-19, which impacted not only on the time of publication of the Agency's reports and the launch of results, but also on the implementation of the 2020 Roma Survey and other fieldwork activities planned under different projects; welcomes, however, the diligence shown by the Agency in following up on the measures and finding solutions for the sound implementation of its projects;

Other comments

23. Notes that the Agency used a secure e-mail solution offered by the Commission, SECEM, to ensure secure transmission of sensitive non-classified information; notes, furthermore, that the Agency followed all security recommendations issued by the Commission's Directorate-General for Informatics and the Computer Emergency Response Team for the Union's institutions, bodies and agencies relating to the use of the web content management system 'DRUPAL', the technology used for the Agency's website; notes the importance of digitalising the Agency's internal procedures; highlights the fact that the Agency transitioned to using cloud services in 2020 using internal human resources, which resulted in savings amounting to EUR 350 000;
24. Welcomes the fact that the Agency produced 163 079 materials and tools related to awareness-raising activities, which was well above its target of 2 150 for 2020; notes that the Agency maintained the rank of first for print dissemination through the website of the Publications Office of the European Union during the COVID-19 pandemic; welcomes the increased number of times the Agency has been mentioned in the media over recent years, with an average of 92 mentions per week and 369 mentions per month in 2020, doubling the number of mentions of previous years;
25. Notes with satisfaction the Agency's achievement in ensuring a cost-effective and environmentally friendly working place and strategy and encourages the Agency to continue to employ best practices and to further improve on them;
26. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 4 May 2022 ⁽³⁾ on the performance, financial management and control of the agencies.

⁽³⁾ Texts adopted, P9_TA(2022)0196.