2013 discharge 2013: European Agency for the Management of Operational Cooperation at the External Borders (Frontex)

2014/2113(DEC) - 29/04/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 497 votes to 180, with 14 abstentions, a decision to grant discharge to the Executive Director of the **European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union** (FRONTEX) for the financial year 2013. The vote on the discharge decision approved the closure of the accounts (in accordance with Annex VI, Article 5(1) of the Rules of Procedure of the European Parliament).

Parliament regretted that for two consecutive years, the Court found **no reasonable assurances** as to the legality and regularity of the Agency's transaction.

- **Supporting documents**: in order to verify the expenditure claimed by the cooperating countries, the Agency performed the reasonableness checks prior to payment for joint return operations and joint land/sea/air operations, but it **did not usually request documentation supporting the cooperating countries' entitlements**. Members recalled the need for the effective analysis of the use of Union funds in joint land/sea/air operations. They also noted that 2013 grant transactions were not subject to ex post controls. They called on the Agency to provide the discharge authority with a report on *ex post* verifications undertaken under the improved verification system and with a detailed analysis of the system's improvements.
- **Conflicts of interests**: Parliament regretted that the Agency did not adopt a clear, comprehensive and objective policy. It called upon the Agency to adopt comprehensive policies for the management of situations concerning conflicts of interests such as: the divestment of the interest by the public official, recusal of the public official from involvement in an affected decision-making process, restriction of access by the affected public official to particular information, re-arrangement of the public official's duties or resignation of the public official from their office.

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Agency for the financial year 2013 are reliable, and that the underlying transactions are legal and regular, Parliament adopted by 511 votes to 159, with 22 abstentions, a resolution containing a number of recommendations that form an integral part of the discharge decision and as well as the general recommendations that appear in the resolution on performance, financial management and control of EU agencies:

- **FRONTEX's financial statements**: Parliament noted that the final budget of the Agency for the financial year 2013 was EUR 93.95 million, representing an increase of 4.88% compared to 2012. The Union contribution to the total amount was EUR 85.5 million.
- **Carryovers**: Parliament noted that budget monitoring efforts during the financial year 2013 resulted in a budget implementation rate of 97.75%, and that the payment appropriations execution rate was 63.98%. It was concerned that EUR 32 million, or 35% of committed appropriations in 2013, were carried over to 2014, but acknowledged that unforeseen events meant that late amending budgets **remain beyond the Agency's control**. Members took note that the carry-overs include global commitments of EUR 5 200 000, which was the leftover balance of an additional subsidy of EUR 8 200 000, which was made available by the budgetary authorities towards the end of 2013 to deal

with unexpected and urgent operational needs. They regretted that the Agency's Financial Regulation, which followed the revised Framework Financial Regulation, remained vague in this matter, even after its revision in 2013.

Parliament also made a series of observations on transfers and internal audits.

Lastly, Parliament noted that although the Agency became operational as early as in 2005, it had only worked on the basis of correspondence and exchanges with the host Member State rather than a comprehensive **headquarters agreement**. It agreed with the Court that such an agreement would further promote transparency in respect of the conditions under which the Agency and its staff operated. It asked the Agency to provide the discharge authority with an update on the state of play of the negotiations.