2020 discharge: European Border and Coast Guard Agency (FRONTEX)

2021/2146(DEC) - 18/10/2022 - Text adopted by Parliament, single reading

The European Parliament decided by 345 votes to 284, with 8 abstentions, to **refuse to grant 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 2020.

A proposal to close the accounts of the European Border and Coast Guard Agency for the financial year 2020 will be submitted at a later part-session.

Parliament adopted a resolution with 467 votes to 136, with 15 abstentions, containing a series of recommendations which form an integral part of the decision on the discharge for the implementation of the Agency's budget.

In its resolution, Parliament noted the resignation of the Agency's Executive Director and his former head of cabinet on 28 April 2022 following the publication of the OLAF report and numerous reports and journalistic investigations exposing problems, particularly in the field of human rights. Members regretted the absence of disciplinary proceedings against them despite OLAF's recommendations in this respect.

While welcoming the Management Board's appointment of an interim Executive Director as of 1 July 2022, Parliament called on the Agency's Management Board to appoint an Executive Director as soon as possible and, before proceeding further with this recruitment procedure, to commit itself to increasing transparency and accountability to Parliament.

Budgetary and financial management

Parliament recalled that the Court of Auditors observation on the carry-over of a provisional budgetary commitment of EUR 18 million for the preparation of field deployments in 2021 for which a legal commitment was lacking. Moreover, it reiterated their concern that the executive director of the Agency used, in violation of the Financial Regulation, a private plane on 4 March 2020, costing the Agency EUR 8 500.

Recruitment of fundamental rights monitors

Parliament regretted that one of the conditions not yet met is the recruitment of 40 fundamental rights monitors (FRMs), as on 1 June 2022, 31 FRMs were in service, with three more to take office on 1 September 2022. It acknowledged the Agency’s commitment to recruit the remaining FRMs as quickly as possible.

Furthermore, Parliament regretted that the Agency has not:

- evaluated its activities in Greece, even though reports by institutions of Member States, the Council of Europe and the United Nations show that the Agency was carrying out joint border surveillance operations in sections where simultaneously, **fundamental rights violations** were taking place;

- suspended its support-related activities in Hungary: Parliament stressed that the Agency's continued support in Hungary may constitute an involvement of the Agency in the violation of the principle of non-refoulement, and recommended that the Agency suspend its support activities in Hungary and put in place

additional safeguards should the Agency nevertheless continue to carry out operations, particularly in the context of the general rule of law situation in Hungary.

The European Anti-Fraud Office (OLAF) report

The findings of the investigation and by the **magnitude of the serious misconduct** and other irregularities identified by OLAF, as well as the level at which they have been committed are deeply worrying according to Members. Serious remedial action should be taken and the resolution of the problems discovered by OLAF will require strong engagement especially by the new expected executive director.

Failings

Parliament reiterated that OLAF's investigation was limited to misconduct and non-compliance with procedures by individuals and stressed that a deeper analysis is needed for the discharge authority to assess the exact nature of the failings identified in order to ensure there are no structural problems. The resolution highlighted that all the problems that the Agency is confronted with are **legacy issues** and that the current and future leadership of the Agency need to find a way to deal with those issues in order to help the Agency move forward. Parliament stressed that the scope of both the Commission and the Agency's management board should be to address all challenges, in order for a new and fresh start to be made and prevent that the Agency continues to fall short in respecting fundamental rights.

Transparency

The Agency should ensure a more proactive approach to transparency, including by publishing documents that are needed to understand the respective roles and responsibilities of the actors involved in its operations. Members proposed developing a **new code of conduct** ensuring full transparency and good management.

As regards the shared responsibilities that the Agency and the Member States have in the fulfilment of fundamental rights obligations, the report urged the Agency and Member States to further develop structures of cooperation, information-sharing and exchange of best practices.

Data protection

Parliament noted with deep concern the media reports from July 2022 indicating that the Agency pursued an expansion of intrusive data collection from migrants under the PeDRA programme. It expressed further concern over reports that the Data Protection Officer repeatedly warned that this data expansion cannot be achieved without breaching the Union law and recommended the consultation of the European Data Protection Supervisor (EDPS).

Harassment cases

Moreover, the Agency was reported to have been notified of 17 cases of alleged sexual harassment in 2020. Two of these cases were opened as informal procedures and the other 15 cases were closed without further follow-up. Members expressed shock and deep concern about the case of suicide of a member of staff, related to alleged practices of **sexual harassment**.

Parliament called on the Agency to make sure that all signals concerning **professional misconduct** are taken seriously and properly followed-up and that all staff, including management, should have compulsory training on **social harassment**.