Basic information

2008/2272(DEC) DEC - Discharge procedure	Procedure completed
2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	FJELLNER Christofer (PPE-DE)	26/03/2008

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÜHRKOP DÜHRKOP Bárbara (PSE)	20/02/2008

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2922	2009-02-10

European Commission

Commission DG	Commissioner
Budget	KALLAS Siim

Key events

Date	Event	Reference	Summary
23/07/2008	Non-legislative basic document published	SEC(2008)2359	Summary
20/11/2008	Committee referral announced in Parliament		
16/03/2009	Vote in committee		Summary
20/03/2009	Committee report tabled for plenary	A6-0166/2009	
21/04/2009	Debate in Parliament		
23/04/2009	Decision by Parliament	T6-0268/2009	Summary

23/04/2009	Results of vote in Parliament		
23/04/2009	End of procedure in Parliament		
26/09/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/2272(DEC)
Procedure type	DEC - Discharge procedure
Legal basis	Rules of Procedure EP 102
Stage reached in procedure	Procedure completed
Committee dossier	CONT/6/67293

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE416.331	30/01/2009	
Committee opinion	LIBE	PE416.416	02/02/2009	
Amendments tabled in committee		PE421.124	23/02/2009	
Committee report tabled for plenary, single reading		A6-0166/2009	20/03/2009	
Text adopted by Parliament, single reading		T6-0268/2009	23/04/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05588/2009	23/01/2009	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2008)2359	23/07/2008	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N6-0004/2009 OJ C 311 05.12.2008, p. 0001	05/12/2008	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Budget 2009/0649 OJ L 255 26.09.2009, p. 0126 Summary

2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex

2008/2272(DEC) - 23/04/2009 - Final act

PURPOSE: to grant discharge to the FRONTEX Agency for the financial year 2007.

LEGISLATIVE ACT: Decision 2009/649/EC of the European Parliament on the discharge for the implementation of the budget of European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2007.

CONTENT: with the present decision, the European Parliament grants 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 for the financial year 2007.

This decision is in line with the European Parliament's resolution adopted on 23 April 2009 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 23/04/2009). The decision to grant discharge is also an approval of the closure of the accounts of this EU agency.

2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex

2008/2272(DEC) - 23/01/2009

The Council notes with satisfaction the Court's assessment that the Agency's accounts for the financial year ended 31 December 2007 were, in all material respects, reliable and that the underlying transactions, taken as a whole, were legal and regular. However, some observations need to be made.

Based on the observations contained in the revenue and expenditure account and the balance sheet of the European Agency for the Management of Operational Coordination at the External Borders of the Member States of the European Union (FRONTEX) for the financial year 2007, as well as on the Court of Auditor's report and the Agency's replies to the Court's observations, the Council recommends that the Parliament grant the Director of the Agency discharge in respect of the implementation of the budget for the financial year 2007.

In doing so, the Council confirms that EUR 7.1 million (60%) of the EUR 11.8 million in appropriations carried forward from the financial year 2006 to the financial year 2007 have were used. EUR 22.4 million in appropriations were carried forward from the financial year 2007 to the financial year 2008 and EUR 6.4 million were cancelled.

Recalling that the Court of Auditors was able to obtain reasonable assurance that the Agency's annual accounts were, in all material aspects, reliable, the Council believes that there is a certain number of observations that must be taken into consideration when providing the discharge on the implementation of the 2007 budget, particularly regarding the following points:

- **Carry-overs**: while taking note of the difficulties resulting from the fact that a large share of the Agency's 2007 budget was made available very late only, the Council notes with concern the persisting high carry-over rate which results to a major extent from excessive cost estimates. It calls on the Agency to improve the programming and monitoring of its activities and to apply more realistic cost calculation methods in order to avoid an overestimation of the costs of its operations. The Council also encourages the Agency to take appropriate measures to ensure timely reimbursements to the partner countries and to improve its management of temporarily unused appropriations.
- **Budgetary commitments**: as in the previous year, the Council asks the Agency to respect strictly the provisions of the Financial Regulation, by establishing budgetary commitments prior to entering into legal commitments.

Recruitment: the Council calls once more on the Agency to strictly respect the recruitment criteria and procedures foreseen in the Staff Regulations, in particular regarding the minimum experience required for a given grade.

2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex

2008/2272(DEC) - 05/12/2008

PURPOSE: presentation of the report by the Court of Auditors on the 2007 annual accounts of the European Agency for the Management of Operational Coordination at the External Borders of the Member States (FRONTEX).

CONTENT: the Court of Auditor's report includes a detailed section on the Agency's expenditure and an analysis of the expenditure, as well as the Agency's replies.

- **Analysis of the accounts by the Court**: in its report, the Court makes a number of observations in particular as regards the carry-over of appropriations. The Agency's budget is mainly financed by subsidies from the Commission. EUR 38.4 million of the 2007 commitment appropriations were consumed, including EUR 13.3 million that were paid out and EUR 22.4 million that were carried over. Non-automatic carry-overs amounted to 300 000. Unused appropriations of EUR 6.4 million were cancelled. Overall, nearly 70% of the appropriations available for 2007 were not spent. This high level of carry-overs and cancellations indicates significant weaknesses in the programming and monitoring of the Agency's activities. A substantial part of these commitments were made on the basis of excessive costs estimations. As a consequence, it is likely that the budgetary surplus to be reimbursed to the Commission disclosed in the balance-sheet at the end of the year is understated. Other reasons for the increase in carry-overs were that the partner countries were often very late in sending their final requests for reimbursement and that the Agency encountered difficulties in meeting payment deadlines. The high amount of cash detained by the Agency stays unused on excessively low interest bearing bank accounts as no treasury management policy exists. An analysis of the Register of exceptions clearly shows recurrent problems in the Agency's commitment system. The rules applied for the implementing measures to the Staff Regulations concerning the minimum number of years of experience required for a given position differ from those agreed between the Agencies and the European Commission. This was at odds with the principle of equal treatment.
- **Agency's replies**: the Agency's states that due to the complexity of cooperation operations between Member States, commitments were made late in 2007. This situation affected the volume of payments in 2007 and led to significant carry-overs. However, the Agency underlines that the monitoring of the expenditure has improved significantly in 2007. Monthly budget implementation reports have been prepared and are distributed to the management. There has been a problem with claims for reimbursement given the difficulties of Member States to collect all invoices in due time. The Agency applied the principles of the Staff Regulations which stipulates that in order to address specific needs of the Institutions, labour market conditions prevailing in the Community may also be taken into account when recruiting.

2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex

2008/2272(DEC) - 23/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 568 votes to 20, with 41 abstentions, a decision on discharge in respect of the implementation of the budget 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 2007. The decision to grant discharge is also an approval of the closure of the accounts of this EU agency.

Moreover, the Parliament adopted a resolution with observations which form an integral part of the decision to grant discharge.

The Parliament stresses that:

- the Agency's 2007 budget (EUR 42.1 million) more than doubled compared with the 2006 budget (EUR 19.2 million;
- commitments carried over to 2008 pertaining to grant agreements linked to operational activities amounted to EUR 18.4 million, and a substantial part of these commitments were based on excessive cost estimates;
- the high amount of cash retained by the Agency stays unused on excessively low interest bearing bank accounts (the Agency held EUR 32.6 million in cash and cash equivalents at 31 December 2007). In this context, the Parliament calls on the Agency to adopt a treasury policy and to report on the action taken and the results achieved in its general report 2008.

In terms of **follow up to the 2006 discharge exercise**, the Parliament regrets that the ECA, in its 2007 annual report, found several weaknesses which it had already highlighted in its 2006 annual report, in particular: (i) high level of carry-overs and cancellations; (ii) legal commitments made before budgetary commitments; (iii) recruitment procedures which, were not in line with the rules.

Noting the Agency's replies on these points, the Parliament calls on the Agency to seriously address the problem of **carry-overs** as well as the recurrent problems in its commitment system and to report on the results achieved in its general report 2008. It also calls on the Agency to improve its financial management by strengthening cooperation between the Agency and Member States whereby the Agency relies on **equipment provided by Member States** for its operations, as this has a serious impact on the management of its budget. Moreover, it is determined to closely monitor the impact of the Agency's cooperation with Member States on its financial management in the future.

On the issue of **recruitment**, the Parliament regrets that the Agency had to implement recruitment procedures which were not fully in line with the general provisions for implementing the Staff Regulations in order to attract highly qualified specialists. Noting that the Agency does not accept the ECA's criticism that it did not respect the principle of equal treatment, the Parliament notes that the Commission has drafted model decisions for this type of provision. The Parliament also calls on the Agency, in agreement with the Council recommendation, to strictly respect the recruitment criteria.

Lastly, noting that the Agency's annual accounts for the financial year 2007 are reliable, and the underlying transactions are legal and regular, the Parliament approves the closure of the Agency's accounts and refers, for other observations accompanying its decision on discharge, to its resolution on financial management and control of EU agencies - see 2008/2207(INI) - adopted in parallel.

2007 discharge: European Agency for the Management of Operational Cooperation at the External Borders Frontex

2008/2272(DEC) - 23/07/2008 - Non-legislative basic document

PURPOSE: presentation of the final accounts of the European Agency for the Management of Operational Cooperation at the External Borders — Frontex for the 2007 financial year.

CONTENT: this document sets out a detailed account of the implementation of Frontex's budget for 2007. It indicates that the Agency's final budget amounted to Frontex's 2007 budget amounted to EUR 42.2 million, compared to EUR 19.2 million for the previous year. This represents a Community contribution of 97.2 %, a 1.9% contribution from the United Kingdom and Ireland and 2.1% contribution from the Schengen Area.

In terms of personnel, the Agency, whose headquarters are in Warsaw (Poland) officially had 49 posts provided for in the establishment plan, of which there are 48 temporary agents and 84 further posts (seconded national experts, contract agents and auxiliaries) amounting to 132 effective posts assigned to operational, administrative and mixed tasks.

In 2007, the Agency focused on the following activities:

Risk analysis

- 2 General/Annual Assessments were produced;
- 21 Tailored Assessments were finalised or are due to be finalised by end Q1 2008;
- 40 Analytical ex-ante assessments of Frontex Joint Operations were issued;
- 2 Law Enforcement and 3 public bulletins were produced.

The system for regular exchange of information (Incident Reporting System-IRS, Monthly Analytical Reports and Monthly Statistical reports) within Frontex Risk Analysis Network was launched.

Operational cooperation: 25 Frontex coordinated joint operations were held and 7 pilot projects were launched.

Assistance to the Member States: Frontex assisted Member States in 10 of their return operations on their request and coordinated and co-financed 9 return operations of Member States.

Assistance return operations: Frontex coordinated and co-financed 9 return operations of Member States.

Training: within the framework of 13 projects 39 meetings were held or co-financed. During 38 training sessions of different durations, 600 border guards of different level were trained.

Research and development

- 8 reports and bulletins were published;
- 5 workshops on R&D issues were held;
- 9 projects were initiated; some of them are still ongoing;
- 18 meeting, conferences, or seminars were attended.

Cooperation with non-EU partner countries: the Management Board mandated Frontex to negotiate working arrangements with 5 countries (the former Yugoslav Republic of Macedonia, Cape Verde, Egypt, Moldavia, Georgia); working arrangement with Ukraine was signed; involvement of Russia and Ukraine in 2 IBM seminars; Ukraine was involved in 5 Frontex pilot projects.

Cooperation with Europol's and other relevant organisations: Frontex contributed to Europol's 'Organised Crime Threat Assessment' ('OCTA'). The established working level cooperation with numerous organisations (e.g. IOM, UNHCR, OLAF, Eurojust) was further maintained and utilized.

The Agency's full accounts are available at the following address : http://www.frontex.europa.eu/finance/