Basic information

2009/2128(DEC) DEC - Discharge procedure	Procedure completed
2008 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	MATHIEU HOUILLON Véronique (PPE)	01/10/2009
	Shadow rapporteur STAVRAKAKIS Georgios (S&D) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LÓPEZ AGUILAR Juan Fernando (S&D)	22/07/2009

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2994	2010-02-16

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
23/07/2009	Non-legislative basic document published	SEC(2009)1089	Summary

07/10/2009	Committee referral announced in Parliament		
23/03/2010	Vote in committee		Summary
26/03/2010	Committee report tabled for plenary	A7-0085/2010	
21/04/2010	Debate in Parliament		
05/05/2010	Decision by Parliament	T7-0118/2010	Summary
05/05/2010	Results of vote in Parliament		
05/05/2010	End of procedure in Parliament		
25/09/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/2128(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/01131

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	LIBE	PE430.723	13/01/2010	
Committee draft report		PE430.453	03/02/2010	
Amendments tabled in committee		PE439.271	03/03/2010	
Committee report tabled for plenary, single reading		A7-0085/2010	26/03/2010	
Text adopted by Parliament, single reading		T7-0118/2010	05/05/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05827/2010	01/02/2010	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2009)1089	23/07/2009	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N7-0012/2010 OJ C 304 15.12.2009, p. 0001	08/10/2009	Summary
CofA	Document attached to the procedure	N7-0036/2009 OJ C 269 10.11.2009, p. 0001	10/11/2009	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2010/0548 OJ L 252 25.09.2010, p. 0211	Summary

2008 discharge: European Agency for the Management of Operational Cooperation at the External Borders FRONTEX

2009/2128(DEC) - 01/02/2010

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 2008, 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 2008.

The Council welcomes the Court's opinion that, on the one hand, the Agency's annual accounts present fairly, in all material aspects, the financial position as at 31 December 2008 and the results of operations and cash-flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that, on the other hand, the underlying transactions for the financial year ended on 31 December 2008 are, in all material respects, legal and regular.

However, the Council considers that observations made in the Court of Auditor’s report call for a certain number of observations to be taken into account when granting discharge, particularly on the following points:

- **carry-over of appropriations**: while acknowledging that the Agency did not have the capacity to absorb the important budget increase in 2008 and to implement supplementary activities to use the additional appropriations which had become available at short notice, the Council is even more concerned about the high amount of appropriations carried forward by the Agency to the following financial year. It recalls the obligation to de-commit rather than to carry forward appropriations committed for operations which meanwhile elapsed;
- **legal commitments without budgetary commitments**: as in previous years, the Council asks the Agency to respect strictly the provisions of the Financial Regulation without exceptions, by establishing budgetary commitments prior to entering into legal commitments;
- **recruitment procedures**: the Council urges the Agency to adopt its implementing rules to the Staff Regulations, and to ensure transparency and non-discrimination in staff selection procedures;
- **work programme**: the Council regrets the inconsistencies identified by the Court between the Agency's work programmes and financial forecasts. It encourages the Agency to introduce an activity based budgeting system which would facilitate a timely revision of the work programme in line with budget modifications.

2008 discharge: European Agency for the Management of Operational Cooperation at the External Borders FRONTEX

2009/2128(DEC) - 05/05/2010 - Final act

PURPOSE: to grant discharge to the FRONTEX Agency for the financial year 2008.

LEGISLATIVE ACT: Decision 2010/548/EU 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 2008.

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 2008.

This decision is in line with the European Parliament's resolution adopted on 5 May 2010 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 5 May 2010).

A parallel Decision, adopted on the same day, approves the closure of the accounts of this EU agency.

2008 discharge: European Agency for the Management of Operational Cooperation at the External Borders FRONTEX

2009/2128(DEC) - 23/07/2009 - 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 2008 financial year.

CONTENT: this document sets out a detailed account of the implementation of Frontex's budget for 2008. It indicates that the Agency's final budget amounted to EUR 71.2 million, compared to EUR 42.2 million for the previous year. This represents a EUR 68 million Community contribution.

In terms of personnel, the Agency, whose headquarters are in Warsaw (Poland) officially had 94 posts provided for in the establishment plan. 75 of these posts are currently occupied. 44 temporary agents and 66 further posts (seconded national experts) amounting to 185 effective posts assigned to operational, administrative and mixed tasks.

In 2008, the Agency focused on the following activities:

- **Risk Analysis**has produced assessments, quarterly reports, weekly evaluations, briefings, notes and other information papers.
- **Operational Cooperation**: 30 joint operations and 10 return operations were organised. Seven pilot projects were launched.
- **Training**has continued with 192 activities involving 3 200 border guards.
- **Research & Development**activities produced reports, bulletins, studies, 48 conferences and 6 projects were initiated.
- **Cooperation with Non-EU countries** included the conclusion of working arrangements with Albania, Serbia, Montenegro, Bosnia and Herzegovina, the USA, Brazil, Croatia, Moldova, Georgia and the former Yugoslav Republic of Macedonia. A cooperation Plan with the Russian Federation was signed. Cooperation with EUROPOL and other relevant organisations and the European Commission has continued and has been strengthened.

Full details of the Agency's accounts are available from the following address: http://www.frontex.europa.eu/finance/

2008 discharge: European Agency for the Management of Operational Cooperation at the External Borders FRONTEX

2009/2128(DEC) - 08/10/2009

PURPOSE: presentation of the report by the Court of Auditors on the 2008 annual accounts of the European Agency for the Management of Operational Coordination at the External Borders of the Member States (FRONTEX).

CONTENT: in the Court's opinion, the Agency's Annual Accounts present fairly, in all material respects, its financial position as of 31 December 2008 and the results of its operations and its cash flows for the year then ended. It considers the transactions underlying the annual accounts of the Agency for the financial year ended are, in all material respects, legal and regular.

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 financial and budgetary management. The Court states that in 2008, the budget increased by EUR 29 million, nearly 69% compared with the previous year. Considering that an equivalent amount of appropriations (EUR 30.3 million) had to be carried forward and that EUR 13 million of appropriations had to be cancelled, the Agency did not have the capacity to cope with such a significant increase of its budget. The Court also notes that more than EUR 17 million was paid out in 2008 on the basis of unilateral grant decisions signed only by the Agency. This type of instrument was not foreseen, in the rules in force for Agencies (grants must be covered by written agreements between the Agency and the beneficiary). Legal commitments were entered into before the corresponding budgetary commitments. By the end of the year 49 ex-post commitments were registered in the register of exceptions. This high number of exceptions shows a recurrent problem in the Agency's commitment system. For the recruitment procedures audited, the selection criteria and the threshold scores for passing to the next stage of the selection process had not been decided upon before the start of the evaluation process and the recruitment files were not always complete. This situation did not ensure transparent and non-discriminatory procedures. Lastly, the Court states that the Agency did not prepare a multiannual work programme and its annual work programme did not correspond to its budget.
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The Agency's replies: the increase of EUR 29 million left limited time to implement the additional activities. Substantial progress is expected in the level of utilisation of appropriations in 2009 and the coming years. Corrections were made to the final annual financial statements. The Agency states that it will also take additional measures to reinforce controls on commitments to be carried forward. Moreover, a new Framework Partnership Agreement (FPA) was drafted in cooperation with the border authorities of the Member States. New FPAs are being signed with all border authorities that will participate in Frontex coordinated joint operations. The new system is expected to be in force by mid-2009 onwards. If in exceptional circumstances a grant is signed after activities have commenced, it will be entered in the register of exceptions. The introduction of measures to reduce the number of exceptions in 2008 has led to a significant decrease in the number of exceptions registered. In the period from January-end of May 2009, compared to the same period last year, there is a reduction of 50% in the number of exceptions. Regarding recruitment, the Agency states that corrective actions have been taken in 2009. Lastly, the Agency states that in June 2009, the Frontex Management Board agreed on a Multiannual Plan for the period 2010-2013. Additional efforts have also been made to ensure consistency between the annual work programme, the budget and the establishment plan.

2008 discharge: European Agency for the Management of Operational Cooperation at the External Borders FRONTEX

2009/2128(DEC) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 548 votes to 36, with 58 abstentions, a decision on discharge to be granted 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) in respect of the implementation of its budget for the financial year 2008.

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

The main points are as follows:

- **recurring problems since the financial year 2006:** Parliament is concerned about the high level of carry-overs and cancellations of appropriations since 2006. In 2008, EUR 30 300 000 in appropriations for the year had to be carried over and EUR 13 000 000 in appropriations available had to be cancelled. According to Parliament, this is indicative of the inability of the Agency to manage so large an increase in its budget. In this regard, it wonders whether it would not be more responsible for the budgetary authorities, in future, to take greater care in deciding on increases in the Agency's budget in the light of the time needed to carry out the new activities. Parliament is also concerned that legal commitments were entered into before the corresponding budgetary commitments. Overall, Parliament calls for a more rigorous application of financial rules and cashflow management, cash holdings in 2008 having amounted to EUR 28 604 623.67 (which is excessive);
- **human resources:** Parliament regrets that recruitment procedures depart from the rules and that their transparency and the non-discrimination of applicants are not ensured;
- **performance:** although satisfied with the Agency's multiannual work plan, Parliament calls on the Agency to establish a link promptly between the plan and its financial forecasts. It also calls on the Agency to set out a comparison of operations carried out during the year for which discharge is to be granted and in the previous financial year so as to enable the discharge authority to assess more effectively its performance from one year to the next;
- **transparency:** noting that the Agency does not publish information about its governing boards on its website, Parliament recommends that a list of board members be placed on the Agency's website;
- **cooperation with the Member States:** Parliament encourages the Agency to step up its dialogue with Member States, as well as to improve its financial management with regard to the reimbursement of costs contracted by Member States (in the context of actions taken as part of joint operations);
- **internal audit:** Parliament calls for the rigorous application by the Agency of the recommendations prepared by the Internal Audit Service.

Noting that the Agency's annual accounts for the financial year 2008 are reliable, and the underlying transactions are legal and regular, Parliament approves the closure of the Agency's accounts. However, it makes a number of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the draft resolution on financial management and control of EU agencies (see 2010/2007(INI) adopted in parallel).