Basic information

2020/2167(DEC) DEC - Discharge procedure	Procedure completed
2019 discharge: European Border and Coast Guard Agency (FRONTEX) **Subject** 8.70.03.09 2019 discharge	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	CZARNECKI Ryszard (ECR)	23/06/2021
	Shadow rapporteur ZDECHOVSKÝ Tomáš (EPP) CHINNICI Caterina (S&D) STRUGARIU Ramona (Renew) EICKHOUT Bas (Greens/EFA) OMARJEE Younous (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CHINNICI Caterina (S&D)	01/10/2020

European Commission

Commission DG	Commissioner
Budget	HAHN Johannes

Key events

Date	Event	Reference	Summary
29/06/2020	Non-legislative basic document published	COM(2020)0288	
15/09/2020	Committee referral announced in Parliament		
22/03/2021	Vote in committee		

30/03/2021	Committee report tabled for plenary	A9-0081/2021	
27/04/2021	Debate in Parliament		
28/04/2021	Decision by Parliament		
28/04/2021	Report referred back to committee		
27/09/2021	Vote in committee		
30/09/2021	Committee report tabled for plenary	A9-0270/2021	
21/10/2021	Decision by Parliament	T9-0442/2021	Summary
21/10/2021	Debate in Parliament		
25/02/2022	Final act published in Official Journal		

Technical information

Procedure reference	2020/2167(DEC)
Procedure type	DEC - Discharge procedure
Stage reached in procedure	Procedure completed
Committee dossier	CONT/9/06143 CONT/9/03892

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE657.220	14/01/2021	
Committee opinion	LIBE	PE661.920	25/02/2021	
Amendments tabled in committee		PE680.801	04/03/2021	
Committee report tabled for plenary, single reading		A9-0081/2021	30/03/2021	
Text adopted by Parliament, single reading		T9-0191/2021	28/04/2021	Summary
Committee draft report		PE695.041	20/07/2021	
Committee opinion	LIBE	PE695.030	07/09/2021	
Amendments tabled in committee		PE696.475	07/09/2021	
Committee report tabled for plenary, single reading		A9-0270/2021	30/09/2021	
Text adopted by Parliament, single reading		T9-0442/2021	21/10/2021	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	05793/2021	05/02/2021	

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2020)0288	29/06/2020	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Budget 2022/0296 OJ L 047 25.02.2022, p. 0007

2019 discharge: European Border and Coast Guard Agency (FRONTEX)

2020/2167(DEC) - 28/04/2021 - Text adopted by Parliament, single reading

The European Parliament decided by 528 votes to 127, with 43 abstentions, to postpone its decision on the 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 2019 and to postpone the closure of the Agency's accounts.

Budgetary and financial management

Parliament welcomed the fact that the budget monitoring efforts in 2019 resulted in a budget implementation rate of 99.84%, which represents an increase of 1.46% compared to 2018. However, it noted with concern that the implementation rate for payment appropriations was 69.13%, a decrease of 0.56% compared to 2018.

In 2019, the Agency had funding agreements with cooperating countries for operational activities which represented 55% of the Agency's budget. The Agency has taken steps to improve ex ante verifications and has reintroduced ex post verifications of reimbursements in 2019.

Members are concerned that the reimbursement of equipment-related expenditure is still based on actual costs and deeply deplores the fact that the project to move to unit-cost based reimbursements is still not completed. They are concerned that, according to the Court's report, cooperating countries did not always submit supporting documents for their cost claims showing the actual costs incurred in operations and that there were delays in submitting supporting documents.

Parliament called on the Agency to stop reimbursing for claims submitted without invoices, to finalise immediately the plan to move to unit cost reimbursements and to apply fully all principles of sound financial management.

Members also regretted that the Agency had changed the contractual provisions for reconstruction work on the Agency's premises at a late stage of the project and introduced the possibility of pre-financing of work still to be completed, whereas payments were initially foreseen only at the time of acceptance of the work. They invited the Agency to reconsider its mechanisms for such payments and also asked it to be more prudent in its budgetary implementation with regard to the organisation of events.

Performance

Parliament noted that the Agency uses certain measures as key performance indicators to assess the added value of its activities but called on the Agency to clarify why 'refusal of entry' is included in the key performance indicators.

The first technical and operational strategy for integrated European border management was adopted in March 2019. However, Members are concerned about the Court's findings from the previous year that the Agency still does not have a comprehensive business continuity plan approved by the Management Board. They invited the Agency to inform the discharge authority of the steps taken to adopt and implement such a plan.

The Agency is invited to provide its Fundamental Rights Officer with adequate resources and staff, in particular with a view to better developing and implementing the Agency's strategy for monitoring the situation of fundamental rights and ensuring their protection.

Staffing policy

Parliament regretted that as of 31 December 2019, only 75.83% of the establishment plan had been filled, with 367 temporary agents appointed out of the 484 temporary agents authorised under the EU budget (compared to 418 posts authorised in 2018). In addition, 214 contract agents and 168 seconded national experts worked for the Agency in 2019.

Members called on the Agency to address the significant gender imbalance reported for 2019, particularly at Management Board level (48 men and 8 women). They are also concerned about reports from journalistic investigations regarding the attitude of high ranking officials towards lower ranking staff. They highlighted in particular its concerns about reports of insulting and disrespectful behaviour towards staff, as well as remarks that allegedly control mechanisms at the Agency are becoming less effective.

The Agency's management has not taken the necessary steps to adapt to the changes in the role and competences of the Fundamental Rights Officer and Fundamental Rights monitors, which came into force in December 2019. This has led to several delays in the implementation of the fundamental rights provisions within the Agency.

Public procurement, transparency

Parliament took note of the Agency's procurement of remotely piloted aircraft systems for medium altitude long endurance maritime aerial surveillance within a framework contract totalling a maximum of EUR 50 million and a maximum total duration of the contract of four years for each of the respective contractors in 2020.

Members recalled that both to rescue migrants in distress at the external border and to procure technical equipment to ensure border management are essential parts of the Agency's mission and encouraged the Agency to continue following the applicable procurement rules when acquiring technical equipment.

The resolution noted with concern that, according to journalistic investigations, the Agency held several meetings between 2018 and 2019 with representatives of industries relevant to its field of work and that 70% of these meetings involved representatives of companies not listed in the Union's transparency register.

Respect for fundamental rights

Parliament took note of repeated allegations of complicity by the Agency in fundamental rights violations by the Greek authorities concerning its involvement in migrant pushbacks. It recalled that the Agency is mandated to control borders while ensuring that border controls are conducted in accordance with the fundamental rights, the Convention relating to the Status of Refugees.

The resolution stressed the need to involve the Frontex Management Board Working Group, set up by Parliament's Committee on Civil Liberties, Justice and Home Affairs, in order to fully clarify the incidents. The Agency is asked to inform Parliament regularly about its work at the external borders.

2019 discharge: European Border and Coast Guard Agency (FRONTEX)

2020/2167(DEC) - 21/10/2021 - Text adopted by Parliament, single reading

The European Parliament decided, by 558 votes to 82, with 46 abstentions, to grant discharge to the Executive Director of the European Border and Coast Guard Agency in respect of the implementation of its budget for the financial year 2019.

Issues with expenditure identified by the Court of Auditors

According to the resolution accompanying the discharge decision, Members acknowledged that Frontex is taking steps to remedy the expenditure problems identified by the Court of Auditors.

Members noted the Agency's reply to the discharge authority concerning its willingness to revise its mechanisms concerning the construction payments and to ensure compliance with the principles of sound financial management. They welcomed the fact that the Agency had experimented with the unit cost approach for heavy technical equipment with two Member States. They regretted, however, that the problem of lack of supporting documents had not been resolved and reminded the Agency not to accept reimbursements for expenditure claims not supported by invoices.

The Court's Special Report 08/2021 entitled: 'Frontex's support to external border

management: not sufficiently effective to date'

Parliament is concerned that the Court's Special Report identified several shortcomings related to the Agency's primary activities listed by the Court, namely situation monitoring, risk analysis, vulnerability assessment, joint operations and rapid border interventions, return operations and training of the Agency, as well as the lack of needs analysis and impact assessments prior to the exponential increase in the Agency's expenditure. It is concerned that the Agency has not taken all the necessary steps to **adapt its organisation** to fully implement its mandate

Members are also concerned that Agency's operational reporting fails to inform decision-makers adequately as it lacks information on actual costs and performance. Despite the presence of a functional information exchange framework to provide relevant information on the migration situation at the external borders, **it has not been possible to provide accurate, complete and up-to-date knowledge of the situation at the EU's external borders**. Members regretted that an adequate information exchange framework has not yet been established for **cross-border crime** affecting the capacity of the Agency and Member States to respond quickly to any threats detected.

Conditionality and respect for fundamental rights

Parliament noted that the Commission and the Agency accepted or partially accepted all the Court’s recommendations. It called on the Agency to comprehensively and in a timely

manner and inform the discharge authority of the progress made.

Members called on the budgetary authority to **put part of the Agency's 2022 budgetary appropriations in a reserve** which can be released when the following conditions are met, in particular: (i) the recruitment of 20 Fundamental Rights monitors and three deputy executive directors, (ii) the adoption of a specific detailed procedure for the implementation of Article 46 of Regulation (EU) 2019/1896, (iii) the submission of an adequate serious incident report mechanism and (iv) the establishment of a fully operational Fundamental Rights monitoring system.

Parliament called on the Agency to:

- regularly inform the discharge authority about the results of the implementation and use of the Agency's transparency register;

- ensure that it complies with all fundamental rights obligations enshrined in Regulation (EU) 2019/1896 in the implementation of integrated border management, both in strategic and operational activities;

- provide a detailed report to the Parliament outlining its plans for the implementation of the recommendations made by the Frontex Supervision Working Party and on the progress made with regard to the fulfilment of the Agency's fundamental rights obligations;

- appoint the remaining 20 fundamental rights monitors in a timely manner and at AD grade, in order to ensure that they are able to perform their tasks independently.