

RESOLUTION (EU) 2023/1946 OF THE EUROPEAN PARLIAMENT**of 10 May 2023****on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2021: performance, financial management and control**

THE EUROPEAN PARLIAMENT,

- having regard to its decisions on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2021,
 - having regard to the Commission's report on the follow-up to the discharge for the 2021 financial year (COM(2022) 331),
 - having regard to the Court of Auditors' annual report on EU agencies for the financial year 2021, together with the agencies' replies ⁽¹⁾,
 - having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽²⁾, and in particular Articles 68 and 70 thereof,
 - having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽³⁾, and in particular Article 105 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinions of the Committee on Employment and Social Affairs and the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0144/2023),
- A. whereas this resolution contains, for each body within the meaning of Article 70 of Regulation (EU, Euratom) 2018/1046, cross-cutting observations accompanying the discharge decisions in accordance with Article 262 of Regulation (EU, Euratom) 2018/1046 and Article 3 of Annex V to Parliament's Rules of Procedure;
- B. whereas this resolution also contains, for the Euratom Supply Agency, cross-cutting observations accompanying the discharge decision in accordance with Article 262 of Regulation (EU, Euratom) 2018/1046 and Article 3 of Annex V to Parliament's Rules of Procedure;
- C. whereas Union agencies should focus on missions with clear European added value and the organisation of such missions should be optimised to avoid overlaps in the best interests of the Union taxpayer;
1. Commends the agencies for their resilience and efforts made in maintaining their high standards of work and high quality output, despite the limitations imposed during the second year of the COVID-19 pandemic;
 2. Notes that for the 33 decentralised Union agencies, the cumulative total for the 2021 budget amounted to around EUR 3 206 million in commitment appropriations, representing an increase of approximately 5 % compared to 2020, and amounted to EUR 3 090 million in payment appropriations, an increase of 6,88 % compared to 2020; notes moreover that of the EUR 3 090 million in payment appropriations, approximately EUR 2 477 million were financed from the general budget of the Union, representing 77,27 % of the agencies' total financing in 2021 (compared to 72,83 % in 2020); acknowledges furthermore that approximately EUR 728 million were financed by fees and charges and by direct contributions from participating countries (a decrease of 12,15 % compared to 2020);

⁽¹⁾ OJ C 412, 27.10.2022, p. 12.⁽²⁾ OJ L 193, 30.7.2018, p. 1.⁽³⁾ OJ L 122, 10.5.2019, p. 1.

3. Notes with concern that the final budgets of some agencies have been frozen in nominal terms for 6 years and, due to accumulated inflation, the real purchasing power of the budget decreases; notes that the continuation of this trend puts at risk the agencies' abilities to perform their functions in an effective and timely manner;
4. Welcomes the conclusion of the European Court of Auditors (the 'Court') in its annual report on Union agencies for the financial year 2021 (the 'Court's report') that overall, the Court's audit of the annual accounts of the agencies for the financial year ended 31 December 2021 and of the revenue underlying them reconfirmed the positive results reported in previous years; notes, however, that some improvements are needed in the area of payments underlying the accounts, according to the Court;

Main risks identified by the Court

5. Notes that, according to its report, the Court considers the overall risk to the reliability of agencies' accounts, as established by applying the accounting rules adopted by the Commission's accounting officer and based on international accounting standards, to be generally low, as was the case in 2020;
6. Underlines that, according to its report, the Court considers the overall risk to the legality and regularity of revenue underlying the agencies' accounts to be low for most agencies, and to be medium for the partly self-financed agencies where specific regulations are applicable to collection of fees and other revenue contributions, as was the case in 2020;
7. Remarks that the Court considers the risk to the legality and regularity of payments underlying the agencies' accounts overall to be medium, varying from low to high for specific budget titles; notes that the Court considers the risk for Title I (Staff Expenditure) to be generally low, for Title II (Administrative Expenditure) to be medium, and for Title III (Operational Expenditure) to be low to high, depending on the agency in question and the nature of its operational expenditure; points out that the Court considers the risk as regards Title III similar to the risk of Title II, but since there are far higher amounts at stake under Title III, the impact is considered to be higher;
8. Notes that the Court considers the risk to sound financial management to be medium, primarily associated with public procurement procedures that did not ensure that the best possible value for money was achieved;
9. Notes that the Court considers the risk to budget management to be low, with the Court's audit showing high carryovers of committed appropriations, which were, however, justified according to the Court by the multiannual nature of operations or for reasons beyond the agencies' control;
10. Notes the Court's mention of an 'other risk' related to the COVID-19 pandemic that has affected the Court's work as travel restrictions prevented it from carrying out on-the-spot checks, obtaining original documents and interviewing auditees' staff in person; notes with appreciation that the Court nevertheless carried out its work through desk reviews and remote interviewing of auditees; notes the Court's assessment that, despite an increased detection risk due to no on-the-spot checks, the evidence it obtained from its auditees still enabled the Court to complete its work and draw conclusions from it;
11. Welcomes the fact that the Court has declared that in most cases the agencies have taken corrective actions to address previous years' audit observations and calls on all the agencies concerned to continue their efforts to follow up on the Court's observations that are ongoing (39) or outstanding (9), in particular in the fields of management and control systems, public procurement procedures and budgetary management;

Budget and financial management

12. Underlines with satisfaction that, according to the annual report of the Court, an unqualified audit opinion on the reliability of the accounts of all agencies was issued; notes in addition that the Court issued an unqualified opinion on the legality and regularity of the revenue underlying the accounts for all agencies; observes that the Court issued an unqualified opinion on the legality and regularity of the payments underlying the accounts for all agencies, except for the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA); notes that the qualified opinion for eu-LISA was due to the irregularity of six payments made in 2021 for a total of EUR 18,11 million in connection with several framework contracts, whereby said payments represent 6,20 % of the total payment appropriations available in 2021;
13. Notes that, as regards the reliability of accounts, the Court issued an 'emphasis of matter' paragraph for the European Medicines Agency (EMA), the European Border and Coast Guard Agency (Frontex) and the European Institute for Gender Equality (EIGE); notes that the 'emphasis of matter' paragraph for EMA was related to the ongoing issue regarding the lease agreement for its previous premises in London that lasts until 2039, with no provision for early termination and potential liabilities estimated at EUR 383 million on 31 December 2021; notes that the 'emphasis of matter' paragraph for Frontex was related to the incorrect calculation of the contributions from non-EU Schengen area countries with EUR 2,6 million less than they should have paid to the budget of Frontex in 2021; notes that the 'emphasis of matter' paragraph for EIGE was related to a contingent liability (EUR 22 000) in its accounts which could be incurred in an ongoing court case concerning temporary agency workers;
14. Notes that, as regards legality and regularity of payments underlying the agencies' accounts, the Court issued an 'emphasis of matter' paragraph for Frontex, whereby a budgetary commitment dated 21 December 2020 was carried-over to 2021 without the backing of a legal commitment before the end of 2020; notes from the Court's report that Frontex addressed this non-compliance by means of subsequent legal commitments throughout 2021;
15. Notes the Court's observation, related to the contributions from associated countries, that different methods in the agreements for calculating contributions entail a risk of erroneous implementation of those contribution agreements; notes the Court's invitation to the agencies concerned to consult the Commission in order to assess whether they need to align with the Commission contribution agreements and methods of calculation for the contributions of associated countries;
16. Notes the Court's observation regarding excessive levels of carryovers and high rates of late payments for ten agencies, with weaknesses (structural issue, weak budgetary planning or possible contravention of the budgetary principles of annuality) for three agencies in particular, i.e. the European Union Agency for the cooperation of Energy Regulators (ACER), eu-LISA, and the European Union Agency for Fundamental Rights (FRA); strongly insists on the respect of the budgetary principle of annuality; echoes the Court's recommendation that the agencies concerned should further improve their budget planning and their implementation cycles to avoid excessive delays in the implementation of work programmes or procurement plans;
17. Notes, however, that in certain cases the level of high carryovers is also a result of factors that are outside of the Agencies' control such as the nature of their activities expanding on multi-annual periods, or the necessity to recur to external contractors over periods that extend beyond the financial year, due to understaffing;
18. Recalls the importance of establishing and maintaining an active dialogue between the Commission and the agencies over the allocation of appropriate resources and the design of the respective establishment plans, in keeping with the Union's policy objectives and ambitions that have been increasing in recent years and have led to new and extended tasks and mandates for several agencies;

Performance

19. Notes that all agencies use various systems of key performance indicators (KPIs), planned outputs or strategic targets set as part of their performance measurement; commends the agencies with implementation rates of their Annual Working Programme (AWP) exceeding 95 % in 2021; calls on all the agencies to report to the discharge authority on the implementation rate of their AWP as a consolidated figure expressed in percentage; appreciates the KPI's fulfilled by the Agencies and the fact that the Agencies have drawn attention to measures that can improve the efficiency and effectiveness of their work; however calls on the Agencies to take note of the indicators that have not yet been achieved or are lagging behind;
20. Notes the achievements and successes of all agencies in 2021, the second year of the COVID-19 pandemic with particular challenges for the agencies operating in justice and home affairs, transport, and medical related areas;
21. Stresses the valuable role played by Union agencies in helping Union institutions design and implement policies, especially in carrying out specific technical, scientific, operational and managerial tasks; appreciates the high quality expertise and work performed by European Centre for the Development of Vocational Training (Cedefop), European Foundation for the Improvement of Living and Working Conditions (Eurofound), European Agency for Safety and Health at Work (EU-OSHA), European Training Foundation (ETF) and European Labour Authority (ELA), the agencies working in the area of employment, social affairs and inclusion; reiterates in this regard the need to equip the agencies at a level commensurate to the assigned tasks, with a sufficient number of staff, employed in a stable manner and having sufficient material resources; reiterates therefore the need to ensure adequate human and financial resources to allow them to continue implementing their work programmes with a very high activity completion rate; stresses the importance and added value of each agency in their field of expertise and their autonomy; reiterates that the proper functioning of the agencies also requires high-quality social dialogue;
22. Recalls that the yearly exchange of views in the EMPL committee regarding the annual work programmes and the multiannual strategies of the agencies is instrumental in ensuring that the programmes and strategies are aligned to the actual political priorities, especially in the context of the implementation of the principles enshrined in the European Pillar of Social Rights and the achievements of the Porto targets;
23. Reiterates the important role of the EU Justice and Home Affairs (JHA) agencies, as they are indispensable for the implementation of Union policies, and the important support they ensure to the Union institutions and bodies and Member States in the sectors of fundamental rights, security and justice, by carrying out operational, analytical, managerial and monitoring tasks; reiterates therefore the need to ensure adequate financial and human resources to JHA agencies; notes that all agencies should perform their mandates effectively;
24. Recalls that the agencies are the most qualified in assessing the use of resources and play a crucial role in supporting the right sustainable projects in line with the European Green Deal; calls on the Commission to ensure funding supporting the Union agencies in securing the social dialogue; notes that Union agencies have a crucial role in securing social dialogue with the Union institutions;
25. Calls on the agencies to continue developing synergies (in areas such as human resources, procurement, digitalisation, building management, IT services and cyber-security), as well as cooperation and exchange of good practices with other Union agencies with a view to improving efficiency, in particular in the context of inflationary strains; calls on the agencies to continue reporting to the discharge authority on the implementation of their strategy for efficiency gains and to update that strategy when necessary;
26. Calls on the Commission to increase the use of cross-cutting evaluations of agencies in the context of the Commission's fitness checks of the different policy areas; notes that the Commission should use evaluation results to identify synergies and possible changes, including mergers, and, where appropriate, to prepare legislative proposals in response to changing needs;

27. Notes with satisfaction the continuing good cooperation between the agencies within DG Employment's remit which have regular exchanges in the planning stage of their work programmes and keep each other informed of developments and findings;
28. Notes with concern, from the Court's report, the disclosures of two agencies (European Union Agency for Asylum (EUAA) and European Union Agency for the Space Programme (EUSPA)) reporting on the impact that the war of aggression against Ukraine had on their activities; notes in this context the increased demand for assistance from Member States accepting refugees from Ukraine and the interruption in the use of Russian Soyuz launchers for Galileo satellites; notes in this regard the signing of the Financial Framework Partnership Agreement between EUSPA and the European Space Agency and the intensified collaboration between the two agencies enabling the Union to contribute as a security provider for space and achieving strategic autonomy;

Staff policy

29. Notes that, in 2021, the 33 decentralised agencies reported that they employ a total of 9 631 members of staff, comprising officials, temporary agents, contract agents and seconded national experts (compared to 9 001 in 2020), representing an increase of 7,00 % compared to 2020; notes that part of the increase, i.e. 0,93 %, is due to the addition, for the first time, of the 84 staff employed in the new agency ELA, which became financially independent in 2021;
30. Notes that burnout cases (in total 23) were registered in 5 agencies and overtime was taken by some employees in 13 agencies in 2021; notes in particular that a high number of employees haven taken overtime in EUAA (78 out of 423 staff), European Food Safety Authority – EFSA (117 out of 516 staff), European Monitoring Centre for Drugs and Drug Addiction – EMCDDA (78 out of 110 staff), European Maritime Safety Agency – EMSA (88 out of 273 staff), eu-LISA (229 out of 310 staff) and European Union Agency for Law Enforcement Cooperation – Europol (583 out of 979);
31. Notes that all agencies have put in place measures to improve staff's well-being at work and work-life balance; notes that the number and impact of such measures varies significantly from one agency to another and that no common framework of reference across agencies appears to exist; notes that, with the exception of some agencies, generally there are no measures for integration of persons with disabilities in place;
32. Notes with concern that, in 2021, the staff turnover rate was more than 5 % in 16 out of 33 agencies; commends the agencies (e.g. European Union Aviation Safety Agency (EASA)) for the targeted measures they took to prevent high staff turnover rates; highlights the importance for all agencies to implement such measures;
33. Reiterates its concern that the Court has identified a recurrent shortcoming that applies to several agencies regarding the use of external staff and interim workers; calls for the dependency on external recruitment by agencies to be addressed and for applicable labour law to be respected; is concerned about the lack of appropriate grading for posts managing procurement procedures; notes the judgment of the Court of Justice of the European Union (CJEU) of 11 November 2021 in Case C-948/19 ⁽⁴⁾ which considered, as part of the scope of the application of Directive 2008/104/EC of the European Parliament and of the Council ⁽⁵⁾, temporary agency workers to Union agencies; calls on the agencies to rely as much as possible on permanent staff and on the Commission to ensure appropriate human resources allocations for this purpose;
34. Calls on the EU Agencies Network (EUAN) to develop a general policy to prioritise permanent staff over external consultants, in order to guarantee high quality working conditions and to prevent knowledge and experience from being lost;

⁽⁴⁾ Judgment of the Court of 11 November 2021, UAB 'Manpower Lit' v E.S. and Others, C-948/19, ECLI:EU:C:2021:906.

⁽⁵⁾ Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).

35. Notes with concern the observations from the Court's report on the weaknesses related to deficiencies in recruitment procedures found in eight agencies in 2021; recalls that procedural deficiencies in recruitment procedures undermine the principles of transparency and equal treatment; asks the agencies concerned to improve their internal recruitment procedures, in several aspects, in particular evaluation processes and vacancy notices;
36. Notes an improved gender balance in 2021, compared to 2020, at the level of senior management, with 68 % men and 32 % women (74,6 % and 25,4 %, respectively in 2020) and for staff overall with 50,26 % men and 49,73 % women (52,7 % and 47,3 %, respectively in 2020); further notes that the gender balance reported for the management boards of the agencies was 62 % men and 38 % women, representing also an improvement compared to the previous year; calls on the agencies to work on improving further the gender balance in senior management; reiterates its calls on the Commission and Member States to observe gender balance when nominating and appointing members of the management or administrative boards; recalls the ambition of the agencies to align with the Commission to reach a gender balance of 50 % at all levels of its management by the end of 2024;
37. Regrets the fact that gender equality is absent in the multiannual strategy 2021-2027 for the EUAN; calls on the EUAN to integrate gender equality in its strategies;
38. Reiterates its concern about the large size of the management boards of certain agencies (e.g. Cedefop, EU-OSHA, Eurofound), making it difficult to make decisions and generating considerable administrative costs; urges the Commission to make a suitable proposal in this regard;
39. Notes that, in 2021, the EUAN created a Working Group (WGDI) dedicated to issues in the area of Diversity and Inclusion (D&I) for all agencies; notes that a Charter on D&I was developed and endorsed by the WGDI, with five commitments, including to ensure diversity and inclusion throughout the career path, from recruitment to promotion and mobility, and to reach the target of 40 % of underrepresented gender in middle management positions in all agencies; calls on all agencies to adopt and implement that Charter; welcomes the additional actions taken by the WGDI, such as the launch of a survey on D&I amongst the agencies' staff, the establishment of contacts and cooperation agreements with the Commission and the European Parliament for the exchange of best practices and innovative ideas, and the development of an action plan for 2022 which proposes 29 actions for agencies to promote the principles of diversity and non-discrimination set out in the Union's Staff Regulations in a harmonised manner across the network; calls on the EUAN to keep reporting to the discharge authority on the progress made in these matters;
40. Notes that the geographical balance of staff of Union decentralised agencies follows the population of the Member States as a percentage of the EU27 more closely than the geographical balance of staff of the Commission; regrets an under-representation for six Member States, an over-representation for eighteen Member States and an approximate balance for three Member States; considers that, as an objective, the agencies should engage in a common effort towards improving geographical representation overall; calls in this sense on the EUAN to coordinate efforts across agencies to put forward a plan and to put the necessary horizontal measures in place to allow for the attainment of said objective;
41. Recalls the importance of developing a long term HR policy on work-life balance, lifelong guidance and the offer of specific training possibilities for career development, gender balance at all staff levels, teleworking, the right to disconnect, the enhancement of a geographical balance to have an appropriate representation from all Member States, and the recruitment and integration of people with disabilities as well as the promotion of their equal treatment and their opportunities;

42. Notes that all agencies have put in place for all their staff a policy and measures to prevent and fight against harassment, with some of the agencies having specific measures (e.g. training courses, awareness or coaching sessions) in place for senior and middle management; further notes that the agencies reported to have 24 ongoing or closed harassment cases in 2021; observes that in some agencies (e.g. EUAA), for staff related procedures (e.g. harassment cases), support from external law firms specialised in Union Civil service law (Union Staff Regulations) is sought, even when the agencies have their own legal services unit; calls on the agencies, where applicable, to report to the discharge authority on all the staff related cases where the support of such firms was received in the years 2017 to 2022;
43. Recalls the judgment of the CJEU of 11 November 2021 regarding the use of interim workers, addressing several questions concerning the application of Directive 2008/104/EC on temporary agency workers to Union agencies; calls on the agencies using interim workers to intensify their efforts to reduce the number of interim workers replacing members of staff;

Procurement

44. Notes with concern that the Court observed 34 weaknesses in public procurement in 2021 (compared to 18 in 2020) and that the number of agencies concerned is increasing with 19 agencies concerned in 2021 (compared to 9 agencies in 2020); further notes that such weaknesses remain the largest source of irregular payments, stemming from irregular procurement procedures reported either in 2021 or in previous years; echoes the Court's recommendation that, when implementing framework contracts, the agencies concerned should only use specific contracts to procure goods or services covered by the associated framework contract; further echoes the Court's recommendation that the agencies concerned should further improve their public procurement procedures, ensuring full compliance with the applicable rules;
45. Welcomes the increased use of e-procurement tools by Union agencies and the important role they have played in ensuring business continuity for procurement under teleworking conditions; notes that the most common e-PRIOR modules used by agencies are e-Tendering, e-Submission and e-Invoicing and that several agencies implemented the Public Procurement Management Tool in the course of 2021; commends the agencies (Translation Centre for the Bodies of the European Union (CdT), European Banking Authority (EBA), European Union Agency for Cybersecurity (ENISA), European Securities and Markets Authority (ESMA)) reporting to have fully digitalised their procurement processes;
46. Recalls the importance for all procurement procedures, to ensure fair competition between tenderers and to procure goods and services at the best price, respecting the principles of transparency, proportionality, equal treatment and non-discrimination; invites all agencies to implement the e-procurement IT tools developed by the Commission and calls on the latter to clarify and update the procedures and templates in the procurement guidelines;

Prevention and management of conflicts of interest, and transparency

47. Notes that, with the exception of one agency, all agencies have a policy for prevention and management of conflicts of interest in place; insists on the need to put in place or regularly update systematic sets of rules on transparency, incompatibilities, conflicts of interest and 'revolving door' situations, and illegal lobbying, as well as anti-fraud strategies; calls furthermore on all agencies to develop an internal anticorruption strategy; calls on the agencies to keep reporting to the discharge authority on the progress made in these matters;
48. Calls on the agencies, where applicable, to participate in the newly established interinstitutional agreement on a mandatory transparency register for interest representatives, signed by the Commission, the Council and Parliament; notes that, due to the nature of their business, some agencies (e.g. Body of European Regulators for Electronic Communications (BEREC), European Union Agency for Law Enforcement Training (CEPOL), CdT) do not have meetings with lobbyists;

49. Notes that all agencies request declarations of interest for their management board members and senior management and that they publish them on their website;
50. Notes that most agencies publish on their website the curriculum vitae (CV) or a short description of the background of their management board members, management staff, external experts and in-house experts; notes that CVs are incomplete or missing from the respective websites of the European Centre for Disease Prevention and Control (ECDC), European Chemicals Agency (ECHA), and European Environment Agency (EEA) (in-house experts), Frontex, European Union Agency for Railways (ERA) and ESMA (both in-house and external experts), Cedefop (some of its management board members and alternate members), EU-OSHA (management board members and alternate members); reminds the agencies that it is important to increase the transparency of the backgrounds of their members of their management board, management staff and external and in-house experts; calls on the EUAN to coordinate efforts among its member agencies for the publication on their websites of the CVs of said members, staff and experts, whereas said CVs should include at least professional experience and education;
51. Echoes with concern the Court's observation that agencies are particularly prone to the risk of 'revolving door' situations because of their reliance on temporary staff, resulting in high rates of staff turnover, and their governing model, which includes boards whose members tend to serve for relatively short terms; acknowledges that for some agencies the risk is further heightened by significant regulatory powers or links to the industry; welcomes in this context the Court's audit on a horizontal topic related to conflicts of interest and potential 'revolving door' situations in some 40 agencies; notes that for this audit the Court examined cases between 2019 and 2021 in which current or former senior agency staff took up a job after leaving an agency or performed a paid outside activity while working for an agency; further notes that the Court also looked into similar cases affecting members and former members of agencies' boards;
52. Observes with concern that only 20 of the 40 agencies examined by the Court had considered any potential revolving-door cases related to their senior staff members; notes the Court's conclusion that agencies generally complied with the applicable legal requirements; notes with concern, however, that the Court found in six agencies (ACER, EASA, European Insurance and Occupational Pensions Authority (EIOPA), ENISA, Europol and EUSPA) several procedural infringements on their legal obligations e.g. to publish a list of the cases assessed, to consult the Joint Committee or to issue a formal decision within 30 working days; calls on the agencies to strengthen their internal procedures and controls concerning potential 'revolving door' situations in order to ensure full compliance with the applicable rules foreseen in the Union's Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy;
53. Strongly deplores the inefficiency and insufficiency of the monitoring of compliance of current and former staff of agencies regarding the 'revolving door' requirements and restrictions; notes with concern that, in this context, undeclared 'revolving door' cases and breaches of restrictions imposed on departing staff in relation to their new jobs may remain undetected which can lead to unfair advantages for certain private-sector entities in terms of insider information or lobbying; acknowledges that these weakness and risks are owed to the limited obligations set out by the Union's legal framework in this field; commends BEREC Office, EBA and ESMA for having procedures in place for monitoring compliance with the applicable rules in the area of 'revolving door';
54. Acknowledges that the rules on handling potential 'revolving door' situations and the associated risk of conflicts of interest do not apply to the members of agencies' boards, scientific committees, expert groups and other similar bodies; notes from the Court's report that during the audited period (2019-2021), only four agencies assessed any cases related to members of their boards taking up a new job or an outside activity; deplores that only 25 cases (i.e. 3,8 %) out of 659 departures related to members of agencies' boards were assessed; commends EBA, EIOPA, the European Institute of Innovation and Technology (EIT), EMA, ESMA, Europol and FRA) for having specific provisions in place covering the risk of 'revolving door' situations in relation to members of their boards, despite the existing legal vacuum;

55. Calls on the EUAN to coordinate efforts for the introduction, in all its member agencies, of: (i) a code of conduct and a set of rules for members of their management boards, setting out principles, procedures and specific mechanisms to deal with conflicts of interest of said members and 'revolving door' situations; (ii) procedures for monitoring compliance of current and former staff (including senior staff) with the applicable decisions in the area of 'revolving door' and related restrictions; further calls on the EUAN to coordinate efforts for the implementation, in all its member agencies, of all recommendations issued by the European Ombudsman in the Inspection Report of 28 February 2019 (case SI/2/2-17/NF) in order to enforce the one-year lobbying and advocacy ban for senior Union staff who have left the civil service and to publish annually information on the cases assessed for this purpose; acknowledges however the lack of binding power of those recommendations and calls on the Commission to fill this gap; moreover calls on the EUAN to report to the discharge authority on the progress made in these matters;
56. Notes that most agencies reported not to have investigated or concluded cases of conflicts of interest in 2021; strongly regrets that in several agencies, several cases of potential conflicts of interest (Cedefop: 1 case; EFSA: 13 cases; EIT: 1 case; Eurofound: 1 case; Europol: 2 cases) were reported with regard e.g. to selection panels, external experts, recruitment procedures, procurement and grants awarding procedures or former agency staff; notes the replies of the agencies concerned with regard to the follow-up to the said reported cases;
57. Notes that all agencies have a whistleblower policy in place, with some of them (EMA, eu-LISA) having updated it in 2021; calls on CEPOL to put specific, safe reporting channels in place in line with the relevant requirements of Directive (EU) 2019/1937 of the European Parliament and of the Council⁽⁶⁾ on whistleblowing; observes that in 2021, whistleblowing cases were reported at the EBA (1 case closed), at Frontex (3 cases: one closed and notified to OLAF and two cases ongoing) and at the EUSPA (1 case ongoing); further notes that the EMA did not report any internal whistleblowing cases, however, 29 reports of external whistleblowing cases were received, of which 23 cases were closed and 6 cases are still ongoing; calls on the agencies concerned to report to the discharge authority on the progress made in the ongoing cases; calls on all agencies to offer regular refresher training courses on whistleblowing policy to all their staff, to include this topic in the induction programmes for newcomers and to publish information on whistleblowing on the agencies' intranet webpages;

Internal control

58. Notes with concern the Court's findings in the area of management and control systems, where weaknesses were observed in 2021 regarding potential conflicts of interest, missing *ex ante* or *ex post* controls, inadequate management of budgetary and legal commitments and failures to report issues in the register of exceptions;
59. Notes from the Court's report that as regards European supervisory authorities (ESA), provisions are in place in their founding regulations to ensure that Members of their Boards of Supervisors act independently and objectively in the interest of the Union; further notes that the Court reported governance issues affecting the ESA in several special reports in previous years, where it recommended that the Commission should consider proposing changes to the ESA's governance structure which would allow them to use their powers more effectively, even though, in 2019, the legislator did not accept the Commission's proposed revised governance structure; notes, furthermore, that in July 2021, the Commission tabled a proposal to establish a new Union authority to counter money laundering and the financing of terrorism (AMLA) for which negotiations are ongoing;
60. Notes that, at the end of 2021, all agencies reported that they had implemented the revised, COSO-based, internal control framework (ICF) and that they had performed the annual assessment of the ICF; calls on all agencies to provide as a minimum the results of the assessment at component level, encourages the agencies however to report on a more detailed level, such as per internal control principle;

⁽⁶⁾ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

61. Notes that, in 2021, according to the Court's report concerning follow-up of previous years' observations, 67 observations were closed and 48 observations were still being implemented or outstanding; calls on the agencies to diligently implement the observations and further improve their internal control frameworks; notes finally that 9 agencies reported to have ongoing OLAF cases;
62. Recalls the importance of strengthening management and control systems in order to ensure the proper functioning of the agencies; strongly insists on the requirement of effective management and control systems to avoid potential cases of conflicts of interest, missing *ex ante* or *ex post* controls, inadequate management of budgetary and legal commitments, and failures to report issues in the register of exceptions;

Digitalisation and the green transition

63. Commends that all agencies have put measures in place to varying degrees in order to reduce their environmental impact and make a positive contribution to sustainable development and climate neutrality; notes that such measures regarding staff's sustainable mobility, use of greener facilities, waste management, reduction in consumption of paper and consumables, improvement of energy use etc.; acknowledges, however, that in some agencies (e.g. CEPOL) much more needs to be done with regard to their environmental sustainability related measures; calls on all the agencies to transition, as soon as possible, to green electricity, wherever possible from 100 % renewable sources and to install, where possible, solar panel cells on the roof of their buildings;
64. Notes that 6 agencies are EMAS (Eco-Management and Audit Scheme)-certified, 19 agencies are not EMAS-certified, while for 7 agencies the process for EMAS certification is ongoing; notes that most agencies have not implemented Green Public Procurement (GPP) or are gradually introducing green (clear and verifiable environmental) criteria in their public procurement processes; calls on all agencies to speed-up the adoption and implementation of GPP in full; calls on the agencies to keep reporting to the discharge authority on the progress made in these matters;
65. Encourages all agencies to adopt multiannual greening action plans that include commitments regarding CO₂ reductions; further encourages all agencies to publish annual environmental reports assessing, through relevant KPIs, their environmental performance and CO₂ footprint;
66. Observes that 2021 was a key year for most agencies regarding various measures taken in order to strengthen the agencies' cybersecurity and protection of the digital records in their possession; regrets, however, that those measures are not harmonised across agencies; commends the proactivity of some agencies which have prepared for the update of their Information systems' security policies in light of the two upcoming Union regulations on cybersecurity and information security in Union institutions and bodies; calls on all agencies to follow suit in this regard; encourages the agencies to work in close cooperation with ENISA; observes the initiative by EU-OSHA to coordinate the implementation of a common solution to provide cybersecurity services to smaller agencies; notes that some agencies (BEREC, CEPOL) have not yet adopted a cybersecurity policy and urges them to do so; calls on the agencies to offer updated cybersecurity-related training programmes on a regular basis for all their staff;
67. Recalls the importance of increasing the digitalisation of the agencies in terms of internal operation and management but also in order to speed up the digitalisation of procedures; is pleased that, in 2021, most agencies made further progress with regard to digitalisation and optimisation of their workflows and procedures, in particular in the fields of HR, financial and procurement procedures; encourages all agencies to adopt and implement the Advanced Qualified Signature and Qualified Electronic Signature software to obtain approvals and signatures from both internal and external counterparties in procurement and contractual documents;

Business continuity during the COVID-19 crisis

68. Acknowledges that 2021 was a year of renewed challenges requiring adaptation, innovation, resilience and flexibility under the continued grip of the COVID-19 pandemic and emerging new political and economic instabilities;
69. Notes that teleworking was essential for the business continuity of the agencies in 2021, owing its success also to the agencies' investments in audio and videoconferencing and other online tools; observes from the agencies' replies that teleworking and hybrid working have had a neutral or a positive impact on the performance of almost all agencies, with some agencies considering that teleworking plays a significant role in attracting and retaining talent; encourages the agencies to put the lessons learned regarding remote and hybrid working methods into practice, in order to better organise meetings and tasks that could be carried out more efficiently remotely than in-person in the future; further notes that several agencies conducted surveys among their staff to assess the impact of teleworking, with results indicating an overall positive experience and (perceived) increased efficiency, however some challenges were noted including the connection to people from other teams and a sense of belonging that could be compromised; encourages all agencies to adopt and implement the Commission decision on working time and hybrid working;

Other comments

70. Welcomes the steps taken by the agencies to disclose and publish the results of their work through various channels, including their websites and social media; urges the agencies to step up their efforts and report relevant performance information to the Union citizens and the general public in clear and accessible language to ensure greater transparency and public accountability by better-utilising media and social media channels; expects the agencies to report to the discharge authority in this regard;
71. Recalls that, in 2020, the Court piloted automated audit procedures in the area of the audit of the accounts of several executive agencies; notes that, in 2021, the Court extended the use of such procedures to all agencies, however – in the case of decentralised agencies – the Court applies ten procedures relating to salaries only; observes from the Court's report the results that have been successfully delivered by applying automated procedures; regrets that gaps in the use of standardised IT tools (in e-procurement, and finance, accounting and reporting) represent serious obstacles for the Court in expanding the use of digital audit technology to other areas and to all agencies; welcomes nevertheless the Court's plan to extend this technology to auditing the agencies' public procurement in 2022;
72. Considers that more needs to be done by the EUAN to become a real centre of coordination of the agencies and contribute to increasing cooperation and the exchange of good practices between them with a view to, inter alia, reducing their functioning costs; calls on the agencies to agree on the allocation from their organigrammes of an additional part-time post (0,5 FTE) for the EUAN; invites the EUAN to provide the discharge authority with an updated list with contact points in all agencies;
73. Instructs its President to forward this resolution to the agencies subject to this discharge procedure, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).
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