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II

(Non-legislative acts)

DECISIONS

DECISION (EU) 2023/321 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section II – European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2020 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2020 (COM(2021) 381 – C9-0260/2021) ⁽²⁾,
 - having regard to the Council's annual report to the discharge authority on internal audits carried out in 2020,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2020, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to its decision of 4 May 2022 ⁽⁵⁾ postponing the discharge decision for the financial year 2020, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 TFEU,
 - 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 ⁽⁶⁾, and in particular Articles 59, 118, 260, 261 and 262 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0236/2022),
1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the budget of the European Council and of the Council for the financial year 2020;

⁽¹⁾ OJ L 57, 27.2.2020.⁽²⁾ OJ C 436, 28.10.2021, p. 1.⁽³⁾ OJ C 430, 25.10.2021, p. 7.⁽⁴⁾ OJ C 436, 28.10.2021, p. 207.⁽⁵⁾ OJ L 258, 5.10.2022, p. 29.⁽⁶⁾ OJ L 193, 30.7.2018, p. 1.

2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Council, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Roberta METSOLA

The Secretary-General
Klaus WELLE

RESOLUTION (EU) 2023/322 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section II – European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section II – European Council and Council,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0236/2022),
- A. whereas, pursuant to Article 13 of the Treaty on European Union, each institution shall act within the limits of the powers conferred on it in the Treaties and in conformity with the procedures, conditions and objectives set out therein, and whereas the institutions are to practice mutual sincere cooperation;
- B. whereas, under Article 317(1) of the Treaty on the Functioning of the European Union (TFEU), the Commission is to implement the Union budget on its own responsibility, having regard to the principles of sound financial management, and whereas, under the framework in place, the Commission is to confer on the other Union institutions the requisite powers for the implementation of the sections of the budget relating to them;
- C. whereas, under Article 319(1) TFEU, the Parliament has the sole responsibility of granting discharge in respect of the implementation of the general budget of the Union, and whereas the budget of the European Council and of the Council is a section of the Union budget;
- D. whereas, under Articles 235(4) and 240(2) TFEU, the European Council and the Council (the ‘Council’) are assisted by the General Secretariat of the Council, and whereas the Secretary-General is wholly responsible for the sound management of the appropriations entered in Section II of the Union budget;
- E. whereas the European Council and the Council, as Union institutions and as beneficiaries of the general budget of the Union, should be transparent and democratically accountable to the citizens of the Union and subject to democratic scrutiny of their spending of public funds;
- F. whereas in the context of the discharge procedure, the Parliament as discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union institutions vis-à-vis Union citizens by improving transparency and accountability of which the concept of performance-based budgeting and good governance of human resources are key components;
- G. whereas, over the course of almost 20 years, Parliament has been implementing the well-established and respected practice of granting discharge to all Union institutions, bodies, offices and agencies for their administrative expenditure, and whereas the Commission supports that this practice should continue;
- H. whereas the European Ombudsman (the ‘Ombudsman’) in her decision in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process found that the Council’s practice in the legislative process constituted maladministration and should be addressed in order to enable citizens to follow the Union legislative process;
- I. whereas the case law of the Court of Justice of the European Union confirms the right of taxpayers and of the public to be kept informed about the use of public revenue;

- J. whereas the Council's lack of cooperation in the discharge procedure has prevented the Parliament from making an informed decision on granting discharge for more than 10 years now;
1. Deplores the fact that the Council is still refusing to cooperate with regard to the discharge procedure, forcing Parliament to refuse discharge;
 2. Regrets that the budget of the European Council and the Council has not been divided into two separate budgets, as recommended by Parliament in previous discharge resolutions, in order to improve transparency, accountability and efficiency for each of the two institutions;
 3. Recalls that key performance indicators are a widely recognised tool for measuring achievement against targets set; calls on the Council to provide summaries of its key performance indicators and the related results in its management reports;
 4. Regrets the lack of information on the implementation of the Council's gender action plan and on the measures taken to ensure equal opportunities for persons with disabilities employed by the Council; calls on the Council to provide information to the budgetary authority on gender balance, geographical distribution and disabilities of its members of staff and on the related internal policies;
 5. Regrets that the Council has so far ignored the European Parliament's resolution of 17 December 2020 on the need for a dedicated Council configuration on gender equality ⁽¹⁾ and insists that a dedicated institutional forum would ensure stronger integration of gender equality in Union policies and strategies as well as essential coordination and progress in the main files related to gender equality;
 6. Recalls that pursuant to Article 286(2) TFEU, the Council appoints the members of the Court of Auditors (the 'Court') after consultation with Parliament and understands the difficulties in achieving gender balance because of the current nomination procedure; points out the serious gender imbalance in the Court, where in 2020 there were only 8 female members compared to 18 male members; reiterates its call on the Council to reconsider the nomination procedure with the aim of tackling this problem with concrete actions, such as making it compulsory for Member States to present one candidate of each gender;
 7. Regrets that the Council exerts its prerogative in the nomination and appointment procedures for many Union institutions, bodies, offices and agencies without taking the views of the interested parties into account; regrets in particular that the Council repeatedly failed to take into consideration the recommendations of Parliament in its consultative role regarding the appointment of the members of the Court; insists on the need for a review of the Council's prerogative with a view to guaranteeing and strengthening the participation of the institutions, bodies, offices and agencies concerned;
 8. Recalls and supports the recommendations of the Ombudsman on the transparency of the Council legislative process; regrets that the decision-making process in the Council is still far from fully transparent which affects the trust of the citizens in the Union as a transparent entity and thereby jeopardises the reputation of the Union as a whole; urges the Council to take all the measures necessary in order to implement the recommendations of the Ombudsman and the relevant rulings of the Court of Justice of the European Union without undue delay;
 9. Expresses its concern about the increasing role of the European Council with respect to legislative files despite that institution having neither a legislative nor an executive function and not applying the same transparency standards as the Council, meaning that it is not being held accountable; regrets the fact that the participation of the Member States' Permanent Representatives in the Transparency Register is completely voluntary and insists that all Permanent Representations should take an active part in the Transparency Register before, during and after their Member State's Council presidency; believes that the existing ethics rules on conflicts of interest, revolving doors and lobby transparency should be strengthened and harmonised; encourages the Council to fully utilise the Transparency Register scheme beyond its current limitations and calls on the Council to refuse to meet with unregistered lobbyists;

⁽¹⁾ OJ C 445, 29.10.2021, p. 150.

10. Regrets that, despite several requests by Parliament, the code of conduct for the President of the European Council has not been brought into line with those of Parliament and the Commission, in particular in terms of activities to be approved after the President leaves the post;
11. Regrets not having received information about the code of conduct applicable to all members of staff of the Council; reiterates that ethical conduct contributes to sound financial management and increases public trust which, as stressed by the Court in its Special Report No 13/2019: The ethical frameworks of the audited EU institutions: scope for improvement, is indispensable if public policies are to succeed and, in particular, that any unethical behaviour by staff and members of the Union institutions, bodies, offices and agencies attracts high levels of public interest and reduces trust in the Union;
12. Reiterates its deep concern with respect to the confirmed conflicts of interest of Member State representatives involved in policy and budget decision-making processes; believes that Member State representatives who benefit directly from Union subsidies through the businesses they own should not participate in policy or budgetary discussions and votes related to those subsidies;
13. Reiterates its call on the rotating Council presidencies to decline any corporate sponsorship to cover some of their expenses; understands that financial resources from national budgets vary significantly among Member States and that each Member State, irrespective of its size and available budget, should have equal opportunities to organise a successful Council presidency, but believes that the acceptance of corporate sponsorship causes reputational damage because it risks creating conflicts of interest; reiterates its call on the Council to budget the Council presidencies to ensure adequate and uniform standards of efficiency and effectiveness of the working process;
14. Recalls that under Article 319 TFEU Parliament exercises its prerogatives in the discharge procedures and has the sole responsibility of granting discharge in respect of the implementation of the general budget of the Union, and that the budget of the European Council and of the Council is a section of the Union budget;
15. Recalls that under Article 335 TFEU, 'the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation' and that accordingly, taking into account also Article 59 of the Financial Regulation, the institutions are endowed with the requisite powers and are individually responsible for the implementation of the sections of the budget relating to them;
16. Notes that under Rule 100 of its Rules of Procedure, 'the provisions governing the procedure for granting discharge to the Commission [...] in respect of the implementation of the budget, shall also apply to the procedure for granting discharge to [...] the persons responsible for the implementation of the budgets of other institutions and bodies of the European Union such as the Council';
17. Emphasises that over the course of almost 20 years, Parliament has been implementing the well-established and respected practice of granting discharge to all Union institutions, bodies, offices and agencies for their administrative expenditure; stresses the view reiterated by the Commission that such practice should continue to be pursued by Parliament;
18. Deplores that the Council, for more than a decade, has shown that it does not have any willingness to collaborate with Parliament in the context of the discharge procedure, making it impossible for Parliament to make an informed discharge decision; considers that such lack of cooperation demonstrates a complete disregard for Parliament's role and violates the principle of loyal cooperation between the institutions, resulting in the very negative effects of discrediting transparency and the democratic scrutiny of the Union budget, as well as eroding citizens' trust in the Union; demands full respect for Parliament's prerogative and role in line with the case-law of the Court of Justice of the European Union that emphasises the right of taxpayers and of the public to be kept informed about the use of public revenues and underlines that that right is linked to Parliament's role in the discharge procedure as the only institution directly elected by Union citizens;

19. Remains convinced that an agreement on this matter is possible if the Council were to show any political willingness to collaborate; reiterates the will of Parliament to engage in constructive dialogue and calls, therefore, on the Council to resume negotiations with Parliament without undue delay in order to find a solution in the current framework of the discharge procedure;
 20. Points out that, as expressed in its resolution of 4 May 2022 on the follow-up to the conclusions of the Conference on the Future of Europe ⁽²⁾, the conclusions of that Conference require changes to the Treaties, inter alia, concerning the simplification of the Union institutional architecture, more transparency and accountability in the decision-making process and a new reflection on Union competences; believes that the expectations of Union citizens constitute an unequivocal mandate for improving transparency and accountability, notably with respect to the Union budget and thus the discharge procedure;
 21. Reiterates that the eventual revision of the Treaties could render the discharge procedure clearer and more transparent, notably by giving Parliament the explicit competence to grant discharge to all Union institutions, bodies, offices and agencies individually, but maintains that relaunching the negotiations between Parliament and the Council on the discharge procedure, with a view to finding a solution through better interinstitutional cooperation within the current framework set by the Treaties, would represent a first step in overcoming the current deadlock.
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⁽²⁾ Texts adopted, P9_TA(2022)0141.

DECISION (EU) 2023/323 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section VI – European Economic and Social Committee**

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2020 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2020 (COM(2021) 381 – C9-0263/2021) ⁽²⁾,
 - having regard to the European Economic and Social Committee's annual report to the discharge authority on internal audits carried out in 2020,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2020, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 4 May 2022 ⁽⁵⁾ postponing the discharge decision for the financial year 2020, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - 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 ⁽⁶⁾, and in particular Articles 59, 118, 260, 261 and 262 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0238/2022),
1. Grants the Secretary-General of the European Economic and Social Committee discharge in respect of the implementation of the budget of the European Economic and Social Committee for the financial year 2020;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Economic and Social Committee, the European Council, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Roberta METSOLA

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ L 57, 27.2.2020.

⁽²⁾ OJ C 436, 28.10.2021, p. 1.

⁽³⁾ OJ C 430, 25.10.2021, p. 7.

⁽⁴⁾ OJ C 436, 28.10.2021, p. 207.

⁽⁵⁾ OJ L 258, 5.10.2022, p. 108.

⁽⁶⁾ OJ L 193, 30.7.2018, p. 1.

RESOLUTION (EU) 2023/324 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section VI – European Economic and Social Committee**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section VI – European Economic and Social Committee,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A9-0238/2022),
- A. whereas, pursuant to Article 13 of the Treaty on European Union, each institution shall act within the limits of the powers conferred on it in the Treaties and in conformity with the procedures, conditions and objectives set out therein, and whereas the institutions are to practice mutual sincere cooperation;
- B. whereas all Union institutions ought to be an example of integrity, transparency and full accountability to the citizens of the Union in respect of the funds entrusted to them as Union institutions;

Budgetary and financial management

1. Reiterates its observations with regard to the 'IT co-financing allowance for members' that provides a yearly IT allowance of EUR 3 000 to each member (EUR 5 000 in 2020 under the one time increase related to the measures introduced as a result of the COVID-19 pandemic); asks the European Economic and Social Committee (the 'Committee') to reconsider the amount of the IT allowance as well as its nature, with the aim of switching from a flat-rate allowance to a payment based on actual and justified costs;
2. Recalls that, due to the COVID-19 pandemic, the Committee's bureau adopted a temporary decision allowing Committee members to claim the usual subsistence allowance for having participated in Committee meetings remotely in order to compensate members for the time spent in the performance of their duties and for the related administrative costs in cases where the member was prevented from travelling to Brussels; is aware that a structural proposal for a specific allowance for remote attendance of meetings was later submitted to and adopted by the Council in June 2021; acknowledges that any new remuneration practices require approval by means of a decision from the Council and, thus, reiterates the call on the Committee to propose fair and proportionate remuneration for members to which the Council can agree;

Internal management, performance, internal control

3. Understands the impact that the COVID-19 pandemic had on the activity of the Union institutions, including the tight deadlines for adopting new legislation and, thus, for the consultative committees to deliver their opinions; recalls that the Committee adopted, prior to the approval of its amended procedure, 13 position papers in response to referrals to ensure an effective and timely contribution to the Union response to the COVID-19 pandemic; is aware that the Committee monitors its compliance with the institutional deadlines set for its opinions and that ad hoc measures have been adopted following an internal audit report from 2019; urges the Committee to report on those measures and other possible actions in that regard; recalls its recommendations made in previous discharge resolutions to enhance the interinstitutional cooperation and consequently the impact of the Committee's work; further recalls its recommendation for the Committee to carry out a qualitative impact assessment of its opinions; acknowledges the importance of maintaining the Committee as a strong consultative body, enabling dialogue between social partners, in particular employers, employees and representatives of various other interests;

4. Reiterates its concern regarding the fact that the Committee's Decision No 078/21 does not provide guidance regarding situations in which the Committee's legal service should be consulted and calls on the Committee to make such consultation compulsory for at least all decisions which entail legal risk for the Committee; recalls that its legal service must be provided with sufficient resources and the requisite mandate to perform its tasks successfully in the interest of the Committee, bearing in mind its cross-cutting role and insufficient size;

Human resources, equality and staff well-being

5. Welcomes the action plan for recruitment and retention of staff devised by the Committee's directorate for human resources and finances, approved in October 2021, and the future revision of the Committee's mobility policy; calls on the Committee to ensure the necessary involvement of staff representatives in the implementation of the action plan and in the review of the mobility policy respectively; welcomes the Committee's participation in the interinstitutional working group established to tackle the problems arising from a limited pool of candidates and the lack of reserve lists of laureates from open competitions;
6. Takes note that the Committee's establishment plan has suffered a reduction of 7,98 % compared to 2013 figures (exceeding the 5 % target established by the Commission), which has an evident negative impact on the workload/resources ratio and therefore on the well-being of staff; welcomes the decision to request an external audit to compare the human resources available relative to the workload, including the Committee's attractiveness as an employer and the alignment between the evolution of activities and the resources available; asks the Committee to ensure consistency between that audit and the action plan for recruitment and retention of staff; believes that that audit should include a specific analysis of the situations that Parliament has previously signalled (such as managers in ad interim or double posts 'in the interest of the service' and positions occupied after the expiration of the mobility deadline) and any other human resource decision affecting the allocation of staff; calls on the Committee to inform Parliament about the outcome and the measures adopted to follow up the recommendations to be drawn from that audit;
7. Notes that a new decision on teleworking and flexitime, adopted in April 2022, has been prepared jointly with the Committee of the Regions to establish modern, flexible and output-driven working conditions for staff; welcomes the preparation of the new diversity and inclusion strategy and action plan; supports that both actions included the involvement of the Committee's equal opportunities officer and built on the lessons learnt and improvements introduced during the COVID-19 crisis;
8. Notes the ongoing consideration on new measures to promote women's access to management posts, such as intermediate management responsibilities below head of unit level and the practical implementation of gender budgeting; encourages the Committee to continue to endeavour to implement Parliament's recommendations in order to enhance gender mainstreaming internally;
9. Welcomes the decision to revise the rules on short-term traineeships (that are compulsory for the completion of studies) and to offer adequate remuneration and further allowances for expenses such as travel and mobility;
10. Takes note of the judgment of the General Court of 23 February 2022 ⁽¹⁾ on the case of possible harassment reported in 2018 by which the General Court annuls Decision No 293/19 of the Committee of 5 December 2019 that imposed the minimal possible penalty consisting of a written warning, dismisses the action as to the remainder, and orders the Committee to pay the costs; expects an internal reflection following that judgment, in particular on the procedural violations found by the General Court in relation to the internal inquiry, such as the one related to the right of defence;

⁽¹⁾ Judgment of the General Court (Fourth Chamber) of 23 February 2022, *OA v European Economic and Social Committee*, T-671/20, ECLI: EU:T:2022:82.

11. Points out that out of the six requests for assistance related to possible cases of harassment that were received in 2020, one is still open; notes that for that request for assistance, the internal administrative inquiry was completed in December 2021, that preliminary hearings were held with the person concerned and with the victim in February and March 2022 respectively, and that an additional administrative inquiry was requested by the appointing authority in May 2022 to better clarify the situation before taking its final decision; notes that a decision has not yet been taken; reiterates that the lapse of time has a negative impact on both the victims and on the reputation of the institution involved and, thus, urges the Committee to address that request without further delay and to report to the budgetary authority on the handling of that case;
12. Notes the conclusion of the settlement agreements with the two victims of moral harassment in December 2020 and March 2021 respectively; takes note that the last pending point for the full implementation of both settlement agreements depends on an upcoming change to the organisation chart in agreement with the Committee of the Regions and planned for implementation on 1 October 2022; calls on the Committee to apply specific procedures when dealing with harassment cases so that all victims are treated equally; urges the Committee to promptly report to the budgetary authority on the effective enforcement of this point; once again expresses its regret with regard to the long lapse of time with respect to the Committee's enforcement of those settlement agreements as legally required;
13. Regrets that the conclusion of the settlement agreement with one of the victims of serious misconduct only took place in April 2022; also regrets that the implementation of the measures agreed in March 2021 between the other victim of serious misconduct, a former Committee member, and the Committee president was delayed until after the decision by Parliament to postpone the discharge; welcomes nevertheless the public statement by the Committee president, published on the Committee's website, reiterating her sincere apologies to all those concerned for the true suffering caused by those wrongdoings; reiterates its concern that the Committee's secretary-general still refuses to admit the internal shortcomings and responsibilities, leading to a breach of duty of care towards the staff of the Committee;
14. Notes the Committee's monthly updates and the follow-up to the observations made by Parliament in the first 2020 discharge resolution ^(*); recalls that the OLAF report on case OC/2018/0666/A.1 only concerns the behaviour of the perpetrator towards the victims and that the judgment delivered by the General Court on 1 September 2021 ^(*) simply examines the validity of the decision by the Committee's bureau of 9 June 2020, disproving the Committee's statements in the follow-up to the first 2020 discharge resolution that complaints have been handled with due regard for the welfare of officials; points out that the slow handling of the case by the Committee's administration and particularly the shortcomings in the implementation of internal procedures have therefore in no way been examined or validated; observes with concern that a serious breach of the Committee's duty of care towards the members of its staff persisted for too long; is deeply concerned that its unambiguous calls for accountability have been consistently ignored for many years and reiterates, therefore, its call for an external investigation specifically on the action, or lack thereof, of the administrative hierarchy of the Committee with a focus on the responsibility of the administrative hierarchy in the handling of harassment complaints and ensuring the well-being of staff;
15. Reiterates its concern that it is not yet possible to quantify the total final cost of that case, estimated at approximately EUR 150 000 for the time being, because it depends on the outcome of the legal procedure currently ongoing before the Belgium criminal court, in which the Committee is also a civil party; asks the Committee to promptly report the conclusion of the legal procedure and the total final cost to the budgetary authority; reiterates its request that the Committee claims from the perpetrator the amounts compensated to the victims by the Committee;

^(*) Resolution (EU) 2022/1704 of the European Parliament of 4 May 2022 with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section VI – European Economic and Social Committee (OJ L 258, 5.10.2022, p. 109).

^(*) Judgment of the General Court (Eight Chamber) of 1 September 2021, *KN v European Economic and Social Committee*, T-377/20, ECLI: EU:T:2021:528.

Ethical framework and transparency

16. Notes that the measures delivered by the joint working group entrusted with the revision of the Committee's ethical framework resulted in an ethics action plan adopted in January 2021; welcomes that a number of actions have been fully implemented such as, inter alia, the revision of the decisions on whistleblowing and on harassment (adopted in December 2021 and March 2022 respectively), the service-level agreement with the Investigation and Disciplinary Office of the Commission to professionalise administrative inquiries, the mandatory training on ethics for all staff, the setting up and training of a new team of ethics counsellors, the ongoing renewal of the network of confidential counsellors, and the new guide for staff 'Respect at work at the EESC' (published in May 2022); notes that the joint working group also conducted preparatory work for the ongoing revision of the decision on disciplinary procedures and administrative inquiries; asks the Committee to regularly monitor, by means of ad hoc surveys, that staff have adequate awareness of the ethics framework; regrets that the revision of the decisions mentioned were extremely delayed with the one on harassment being adopted only after Parliament's decision to postpone the 2020 discharge, showing a lack of willingness to act; expresses concern that no specific procedure for harassment involving a Committee member and an official (within the definition of Decision 090/22 A) is in place with the consequence that no uniform procedures for dealing with cases of harassment is applied, leading to victims being treated differently; reiterates once again that the fact the Staff Regulations cannot be imposed on a member of the Committee cannot be used as an excuse for inaction; calls on the Committee to immediately provide for a specific procedure that will grant everyone proper and long due protection against harassment;
17. Notes the entry into force in January 2021 of the strengthened code of conduct for Committee members which provides greater clarity and imposes more severe sanctions in the event of any breach of the rules; welcomes that the action plan on ethics includes measures targeting members, including the publication of the information brochure 'Respect and dignity at the EESC' and the revision of the training on ethics for members to be aligned with the new code of conduct; notes that the Committee will analyse Parliament's request for this training to be made mandatory within the upcoming revision of the members' statute by the Committee's quaestors; welcomes that the revised version of the Committee's rules of procedure aligns with the new code of conduct and includes the possibility for individual membership to exceptionally cease by expulsion in case of breach of ethical standards, duties and obligations;
18. Notes that the Committee's internal audit service issued an internal audit report on ethics and integrity in early 2020; asks the Committee for a summary of the recommendations made by the internal auditor and the actions to implement them;
19. Objects to the rejection by the Committee of the use of the Transparency Register on the grounds that the Committee is a consultative body; urges the Committee to join the Transparency Register with a view to improving the transparency of its interactions with external interest representatives;
20. Requests that all internal procedures and decisions, including the ones on ethics, be published in a specific column of the Committee's website;
21. Notes that, in response to Parliament's request, the Committee has taken into account the recommendations of the European Ombudsman in her report in the case SI/2/2017/NF 'Revolving doors – Implementation of Article 16 of the EU Staff Regulations in a range of EU institutions, bodies and agencies' to revise its decision on outside activities and assignments; calls on the Committee to report on the adoption of the final decision;

Inter-institutional cooperation

22. Takes note of the ongoing negotiations with the Commission and the Council aiming to strengthen institutional and administrative relations; supports the Committee in its commitment to implement the recommendation from the Conference on the Future of Europe to enhance the institutional role of the Committee and empower it as facilitator and guarantor of participatory democracy activities such as structured dialogue with civil society organisations and citizens' panels;

23. Stresses the Committee's crucial role in representing and engaging with social partners and civil society organisations from the Member States in the Union decision-making process; takes note of the Committee's efforts to disseminate its opinions and activities as part of the fulfilment of its mission and recalls Parliament's recommendations in previous discharge resolutions on the subject; calls for the cooperation agreement between the Committee and the Parliament to be made binding, in particular calling for close and timely cooperation between the respective rapporteurs of the two institutions, for the Committee's opinions to be shared with the relevant committees of the Parliament during the report drafting phase and for the Committee's rapporteurs to be systematically invited to the presentation of those reports; recommends that the Committee carries out a more quantitative and qualitative impact analysis of its opinions; urges, therefore, the Committee to reinforce the staff working in the areas of legislative work and interinstitutional relations;

COVID-19 pandemic

24. Observes that, in order to benefit from the lessons learnt in the pandemic, a recovery action plan for the Committee was set-up in 2021 aiming to help members of staff to move forward towards a post-pandemic way of working; asks the Committee to report to the budgetary authority on the key steps of the recovery action plan and its implementation.
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DECISION (EU) 2023/325 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency (Frontex) for the financial year 2020**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Border and Coast Guard Agency for the financial year 2020,
 - having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies ⁽¹⁾,
 - having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0101/2022),
 - having regard to its decision of 4 May 2022 ⁽³⁾ postponing the discharge decision for the financial year 2020, and the replies from the Executive Director of the European Border and Coast Guard Agency,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - 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 ⁽⁴⁾, and in particular Article 70 thereof,
 - having regard to Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 ⁽⁵⁾, and in particular Article 116 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 ⁽⁶⁾, and in particular Article 105 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the second report of the Committee on Budgetary Control (A9-0235/2022),
1. Refuses to grant the Executive Director of the European Border and Coast Guard Agency discharge in respect of the implementation of the Agency's budget for the financial year 2020;
 2. Sets out its observations in the resolution below;

⁽¹⁾ OJ C 439, 29.10.2021, p. 3.⁽²⁾ OJ C 439, 29.10.2021, p. 3.⁽³⁾ OJ L 258, 5.10.2022, p. 406.⁽⁴⁾ OJ L 193, 30.7.2018, p. 1.⁽⁵⁾ OJ L 295, 14.11.2019, p. 1.⁽⁶⁾ OJ L 122, 10.5.2019, p. 1.

3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Border and Coast Guard Agency, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Roberta METSOLA

The Secretary-General
Klaus WELLE

RESOLUTION (EU) 2023/326 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency (Frontex) for the financial year 2020**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the financial year 2020,
- having regard to the OLAF report finalised on 15 February 2022, and made available in July 2022 to Members of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Budgetary Control,
- having regard to Rule 100 of and Annex V to its Rules of Procedure,
- having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
- having regard to the second report of the Committee on Budgetary Control (A9-0235/2022),

A. whereas the European Ombudsman has held a series of inquiries regarding the European Border and Coast Guard Agency's (the 'Agency') compliance with its fundamental rights obligations and accountability in relation to its enhanced responsibilities in the cases OI/5/2020/MHZ and OI/4/2021/MHZ and made a series of recommendations to the Agency;

1. Notes the resignation of the executive director of the Agency and his former head of cabinet on 28 April 2022 following the release of the OLAF report and following numerous reports and journalistic investigations exposing problems particularly in the field of upholding human rights; regrets the absence of disciplinary proceedings against them despite the recommendations of OLAF in this regard; welcomes the appointment by the management board of an executive director *ad interim* as of 1 July 2022; takes note of the vacancy notice for a new executive director of the Agency published on 21 June 2022; calls on the management board of the Agency to appoint an executive director as soon as possible; invites the management board, before advancing this recruitment procedure, to commit to increased transparency and accountability to Parliament and to confirm that commitment in writing; highlights that the new executive director should commit to ensuring the full respect of fundamental rights in all activities of the Agency as well as to having high-level administrative and management skills; invites the management board and the Commission to actively engage with the Parliament, in line with Parliament's prerogatives; recalls that maximum possible public access to OLAF final reports concerning the Agency, in an appropriate format for public use, as well as the full implementation of the recommendations by Parliament, and in particular by its Frontex Scrutiny Working Group, should form part of the commitment of the management board to transparency and accountability;
2. Welcomes the briefing note on 'Actions taken by Frontex management during transition period' that was sent to the Committee on Budgetary Control on 27 June 2022 that informs the discharge authority on the measures taken by the interim management of the Agency, in anticipation of the appointment of a new executive director; calls on the interim management and on the to be appointed executive director to continue with pro-actively informing the discharge authority on its response to its observations and recommendations;
3. Takes note of the commitment that has been undertaken for the preparation of an action plan on the remedial actions presented in this document under the lead of the acting executive director; welcomes the acknowledgement by the acting executive director of the existing problems of the Agency, acknowledges the commitment of the acting executive director to ensuring that the Agency fully implements its mandate and operates in full respect of the rule of law and appreciates the positive change with regard to respecting fundamental rights and to changing the organisational culture of the Agency, including to making sure people are not afraid to report possible wrongdoings

and that there is proper follow-up thereof, to establishing a dialogue with the members of staff, to encouraging the delegation of powers and to building relationships of trust with other institutions and the public; further welcomes also her commitment to transparency; expects the above acknowledgements and commitments to be reflected in an action plan to be submitted to the Parliament, together with regular updates on its implementation; considers the progress in implementing the action plan as an important condition in the Agency's discharge process;

4. Calls on the executive management of the Agency to continue with the implementation of the Agency's mandate; reiterates that clarity, transparency, open dialogue and communication both internally and externally, the delegation of responsibilities and tasks, as well as abiding by high standards of ethics and compliance with fundamental rights are essential for changing the organisational culture within the Agency, ensuring good governance and improving its functioning towards the full implementation of its mandate, as established by Regulation (EU) 2019/1896 of the European Parliament and of the Council⁽¹⁾; recalls that this is a collective effort which requires the sincere cooperation of the executive management, the Agency's management board and the Commission; reiterates, in this context, its call on the Commission to provide clear guidelines for the interpretation and implementation of the Agency's mandate, particularly with regard to border control aspects; reiterates Parliament's support within this process; recalls remarks made in the meeting of the Committee on Budgetary Control on 13 July 2022 that the fast growing pace imposed by the new mandate of the Agency caused difficulties that were, with hindsight, underestimated, leading to delays in recruitment in particular; notes that the current correction coefficient causes serious difficulties in attracting qualified and diversified staff and calls for a revision of that correction coefficient taking into account the reality of the cost of living in order to improve geographical balance within the Agency;
5. Highlights the increased role that the Agency has had to play in the context of the Russian invasion of Ukraine; welcomes in this regard the signature of the Agreement between the European Union and the Republic of Moldova on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova⁽²⁾ and the assistance given to Chisinau in managing migratory flows;

Budgetary and financial management

6. Recalls the Court of Auditors (the 'Court') observation on the carry-over of a provisional budgetary commitment of EUR 18 000 000 for the preparation of field deployments in 2021 for which a legal commitment was lacking; notes the remedial measures taken by the Agency, which focus on clarifying the regulatory framework, better involving the Agency's financial service and training staff, however without release of the amount concerned to the Union budget; considers that the provisional budgetary commitment should have been cancelled, instead of being carried-over; calls on the Court to evaluate the decision by the Agency not to cancel the commitment;
7. Reiterates its 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;

Conditions formulated for the 2019 discharge

8. Takes note of the report of the Agency on the implementation of the seven conditions formulated for the 2019 discharge of the Agency; regrets nevertheless that only five of the seven conditions are reported as being implemented by the Agency; regrets to note that several conditions still have not been fully met;

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽²⁾ OJ L 91, 18.3.2022, p. 4.

9. Regrets 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; highlights that according to Article 110(6) of Regulation (EU) 2019/1896, the Agency had the obligation to recruit at least 40 FRMs by 5 December 2020; underlines that the Frontex Scrutiny Working Group has established that the recruitment of FRMs was unnecessarily delayed by the Agency's previous executive director, while the Agency explains that the delay was due to lengthy recruitment procedures in Union institutions; recognises the recent progress made by the Agency in recruitment and welcomes the increase in the number of FRMs from 40 to 46; highlights that Regulation (EU) 2019/1896 provides the framework for further increases in the number of FRMs as the Agency expands, with the initial 40 FRMs being the threshold and not the ceiling; reiterates its calls on the Agency to conduct all future recruitment and the appointments of FRMs at AD level; acknowledges the Agency's commitment to recruit the remaining FRMs as quickly as possible; notes that the Fundamental Rights Officer (FRO) has expressed to be content with the procedure;
10. Regrets 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; regrets that the discharge authority has addressed this matter in its first 2020 discharge report on the Agency, but that the Agency has not provided any substantial information on how it plans to follow-up on this; emphasises the urgency of this matter in light of the developments in Greece; urges the Agency to conduct a thorough evaluation as soon as possible and keep the discharge authority updated;
11. Regrets that the Agency has not yet revised the standard operating procedure for Serious Incident Reports; notes that this was initially planned for the second quarter of 2022 but that this has, according to the Agency due to the war in Ukraine, been delayed to the third quarter of 2022;
12. Regrets that another condition not yet met is the call on the Agency to suspend its support-related activities in Hungary, not acting in accordance with Article 46 of Regulation (EU) 2019/1896 and in line with the conclusions of the Court of Justice of the European Union (Court of Justice) on infringement procedures against Hungary; notes that the Agency argues that, instead of suspending the support-related activities, it takes additional safeguarding measures to get assurance from the Hungarian authorities that fundamental rights have been respected, and monitors this closely which is supported by the argument expressed by the Commission in the Committee on Budgetary Control meeting of 13 July 2022 that a presence of the Agency in Hungary allows the Agency to monitor and control possible violations of fundamental rights against refugees or asylum seekers by Hungarian authorities at the border; underlines that this presence should be limited to monitoring activities and highlights that the Agency must refrain from participating in any operations governed by provisions of national legislation that had been deemed incompatible with Union law by the Court of Justice until all such provisions are in line with the *acquis communautaire*; notes that the Agency's FRO stresses that the continuous support of the Agency in Hungary can implicate it in the violation of the non-refoulement principle, and recommends that the Agency suspends its support-related activities in Hungary, and builds in additional safeguards if the Agency would nonetheless continue to monitor these operations, especially in the context of the overall rule of law situation in Hungary; reiterates, in this context, its call upon the Agency to suspend all other activities in Hungary; notes nevertheless the progress made by the Agency through the adoption of the detailed Standard Operating Procedures for Article 46, in the form of an executive director Decision in January 2022; highlights the importance of implementing those procedures abiding by the highest standards of respecting fundamental rights;
13. Concludes that the Agency has implemented most of the conditions formulated by the discharge authority in a satisfactory manner, but that the full implementation of all of those conditions is still not achieved and that important conditions are outstanding; calls on the Agency to promptly act and comply with the remaining conditions; stresses that meeting those conditions is a crucial aspect considered by the discharge authority in order to grant discharge for the financial year 2020;

14. Reiterates, once again, that the dramatic increase in competences and budget which the Agency has seen in recent years must be accompanied by a corresponding increase in accountability and transparency; stresses that the granting of discharge in respect of the implementation of the Agency's budget is conditional on such accountability and transparency, and especially on the Agency's commitment to Union law;

The European Anti-Fraud Office (OLAF) report

15. Notes that OLAF and the Agency's management board have made an anonymised version of the OLAF final report on the Agency's activities available; notes that this anonymised version has only been made available to the Members of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs; recalls that having access to that report was deemed necessary by the discharge authority in order to take a fully informed decision on the 2020 discharge; regrets the long delay to grant access to that report that hampered Parliaments' scrutiny prerogative; points, moreover, out that the findings of the OLAF report are a matter of public interest; notes that it has by now been clarified that OLAF is the report's owner and that all pending actions following up on the report's findings have been closed;
16. Notes that the serious concerns raised on the basis of the partial presentation of findings from the final report in the Committee on Budgetary Control meeting of 28 February 2022 are confirmed in the final report; is deeply concerned about 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; expresses, in this context, its utter dismay in the behaviour and actions of the persons concerned described in the findings and the lack of accountability; notes, from the statements of the Chair of the Agency's management board in the Committee on Budgetary Control meeting of 13 July 2022, that actions have been taken in follow-up to OLAF's conclusions in the final report; considers, in this regard, that serious remedial actions should be taken and that the resolution of the problems discovered by OLAF will take time and will require strong engagement especially by the new expected executive director; reiterates its call upon the Agency to present a detailed road map on how it intends to fulfil the outstanding concerns, together with a clear and detailed timeframe for these actions; recalls that, during the meeting of the Committee on Budgetary Control on 13 July 2022, OLAF reconfirmed that the final report does not contain any financial implications or indications of violations of sound financial management; recalls that the investigation focused on the allegations of misconduct and non-compliance with procedures by senior management; highlights, however, that the conclusions presented in the OLAF final report on the investigation conducted with respect to the activities of the Agency, under the former executive leadership, are extremely serious and relevant for the discharge procedure for the year 2020; recalls that two additional OLAF final reports are expected to be presented in 2022 in relation to the Agency; calls for the immediate access of Members the Parliament to those final reports once finalised, as well as of all executive staff of the Agency that need to access those reports to ensure a correct implementation of the Agency's budget in the future;

Change in the Agency

17. Acknowledges and welcomes the positive change in management style introduced by the acting executive director who committed to change the organisational culture of the Agency, promoting a team-based approach with consultative and inclusive leadership, where people are not afraid to speak up about possible wrongdoings, with the full support of the management board and the FRO; welcomes in particular the commitment of the acting executive director to transparency and expects decisive steps to be taken in order to fulfil those commitments; welcomes the positive role of the new Chair of the management board and the important contribution by the FRO, which has improved and intensified collaboration and communication in the Agency; notes as well the comments from the Chair of the management board and the Commission's Deputy Director-General for Migration and Home Affairs that the report shows the failings of the individuals concerned, and that there is no structural issue; reiterates that OLAF's investigation was limited to misconduct and non-compliance with procedures by individuals and stresses 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;
 - (a) stresses firstly, that the checks and balances have to be thoroughly analysed since the misconduct by individuals was allowed to continue too long;

- (b) stresses secondly, that media reports on OLAF findings about Member States pressuring the Agency's coast guards, and concealing pushbacks, present challenges for the Agency beyond the past leadership;
 - (c) is concerned about the expressed intentions of several staff to quit working for the Agency because of the organisational culture and overall working environment, and expects the acting executive director to act immediately in addressing these issues;
 - (d) is also concerned about the manner in which the Agency continues to apply Article 46 of Regulation (EU) 2019/1896, as is indicated by the acting executive director's decision to increase presence in the Aegean Sea despite media reports of OLAF's findings pointing to persistent fundamental rights violations in this area;
18. Recognises 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; emphasises that if the Agency's current leadership recognises that, and aims to address them, the Agency has the discharge authority's full support; stresses 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; calls, therefore, on the Commission and the Agency's management board to conduct a thorough analysis of all these matters and report on them to the discharge authority; underlines that the future discharge cycles will be seriously considering all the aspects mentioned above;
19. Urges for the Agency's executive management, including the acting executive director, the deputy executive directors and the FRO, to be granted access to and to read the content of the OLAF final report in light of its crucial importance for ensuring a correct implementation of the Agency's budget and regulation in the future; calls on the Agency's management board and executive management to carefully re-assess the content of the OLAF final report and to address the issues it raises; calls in particular on the Agency's executive management to review the conclusions on incidents examined by the management board in relation to their compliance with fundamental rights, in light of the reported concealing of information to the management board as reported by the media, and on the sharing of information within the Agency and between the Agency and the Parliament; urges the Agency and the Commission to acknowledge and address any structural issues related to both the Agency's direct operations as well as to oversight, and to ensure that similar situations never happen again; calls on the Commission and the Agency to inform the discharge authority about how these issues will be addressed;

The Court of Auditors' Special Report 08/2021

20. Notes that the Agency has reported implementation of Recommendation 5 of the Court of Auditors' Special Report 08/2021 (deadline end of 2021), but is postponing the deadline for implementation of Recommendation 1, regarding the improvement of the information exchange framework and of the European situational picture, by more than a year from mid-2022 to the third and the fourth quarters of 2023; notes further the ongoing/partial implementation of Recommendations 2, 3 and 4 and encourages the Agency to respect the deadline for their implementation by the end of 2022;

Transparency

21. Recalls the European Ombudsman's decision in its own initiative enquiry on fundamental rights obligations; notes the Ombudsman's conclusion that 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; notes that the Agency cannot share information of a tactical nature that could be abused for the purpose of human trafficking or other illegal activities; calls on the Agency to implement the Ombudsman's recommendations; suggests that the Agency develops and implements a new code of conduct ensuring full transparency and good management and that the Agency keeps the discharge authority informed about the progress made in that regard;

22. Notes the adoption of special rules to guarantee the independence of the fundamental rights officer as well as the drawing up of a fundamental rights strategy and action plan;
23. Notes the shared responsibilities that the Agency and the Member States have in the fulfilment of fundamental rights obligations; urges the Agency and Member States to further develop structures of cooperation, information-sharing and exchange of best practices;
24. Takes note of the outcome of the extraordinary meeting of the Agency's management board that was held on 27 July 2022; welcomes the positive actions taken by the management board in order to improve the functioning of the Agency's internal administrative structure and the updated Frontex External Communication Strategy; shares with the management board the concerns about the increasing level of violence at the external borders; expects the Agency to implement the recommendations of the fundamental rights officer as set out in his 2021 annual report;

Data Protection

25. Notes 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; expresses 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); expresses also concern over reports concluding that the Agency had initially ignored this advice and went ahead with that data expansion; welcomes, based on information provided by the Agency, the fact that upon receiving the EDPS opinions on data processing rules, the Agency has proceeded to redraft the management board decisions with the Agency's Data Protection Officer in order to ensure full compliance with Union data protection rules, stating new rules would diligently follow the EDPS observations; requests the Agency to report to the discharge authority on the current status of this matter and keep the discharge authority informed about the future steps in the development of this programme;

Harassment cases

26. Recalls that the Agency reported to have been notified of 17 cases of alleged sexual harassment in 2020; notes from the Agency's follow-up to the first 2020 discharge report that two of those 17 cases were opened as informal procedures under the Agency's manual of procedures for confidential counsellors; deplores the fact that the other 15 cases were closed without further follow-up; highlights that a particular focus should be placed on identifying, reporting and combatting sexual harassment, especially in light of whistleblower reporting of such alleged cases; welcomes the statements of the acting executive director in the meeting of the Committee on Budgetary Control that the Agency remains vigilant in this area and that additional measures have been taken to make sure all cases are properly treated; welcomes the expressed commitment of the acting executive director to remain vigilant and take additional measures in this field; expresses shock and deep concern about the case of suicide of a member of staff, related to alleged practices of sexual harassment, mentioned in discussions between Agency officials and Members participating in the mission of the Committee on Budgetary Control to Poland in July 2022, and welcomes the reopening of this case by the new executive leadership; calls on the executive director to conduct a full and detailed investigation about this particularly severe and worrying case, to keep the discharge authority informed about the results of this investigation and to fully cooperate with criminal investigation authorities in the process; calls on the executive director to conduct a thorough investigation into the implementation of existing procedures against sexual harassment, to fully cooperate with all relevant authorities and to report back to the discharge authority about the findings and to present a detailed action plan with measures ensuring zero tolerance towards sexual harassment in both its administrative and operational activities; requests the Agency to fully cooperate with all relevant authorities in the process and keep the discharge authority informed about the results;
27. Commends the staff of the Agency, that has been through a very difficult period, facing challenges about which the acting executive director made statements in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of 30 May 2022; points in particular towards the treatment of the former FRO whose work has been hampered over the years by the former executive management of the Agency, as reported by the media; calls on the

executive management of the Agency and on the management board to continue making the Agency a safe place to work that encourages people to speak up; is encouraged by the statements that many members of staff reported wrongdoings they witnessed to their superiors and calls on the Agency to make sure that all signals concerning professional misconduct are taken seriously and properly followed-up; insists on the need to have compulsory training on social harassment for management and for all staff;

28. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 4 May 2022 ⁽³⁾ on the performance, financial management and control of the agencies.

⁽³⁾ OJ L 258, 5.10.2022, p. 425.

DECISION (EU) 2023/327 OF THE EUROPEAN PARLIAMENT**of 18 October 2022****on the closure of the accounts of the European Border and Coast Guard Agency (Frontex) for the financial year 2020**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Border and Coast Guard Agency for the financial year 2020,
 - having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies ⁽¹⁾,
 - having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0101/2022),
 - having regard to its decision of 4 May 2022 ⁽³⁾ postponing the discharge decision for the financial year 2020, and the replies from the Executive Director of the European Border and Coast Guard Agency,
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - 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 ⁽⁴⁾, and in particular Article 70 thereof,
 - having regard to Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 ⁽⁵⁾, and in particular Article 116 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 ⁽⁶⁾, and in particular Article 105 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the second report of the Committee on Budgetary Control (A9-0235/2022),
1. Points out that a proposal to close the accounts of the European Border and Coast Guard Agency for the financial year 2020 must be submitted at a subsequent part-session;

⁽¹⁾ OJ C 439, 29.10.2021, p. 3.⁽²⁾ OJ C 439, 29.10.2021, p. 3.⁽³⁾ OJ L 258, 5.10.2022, p. 406.⁽⁴⁾ OJ L 193, 30.7.2018, p. 1.⁽⁵⁾ OJ L 295, 14.11.2019, p. 1.⁽⁶⁾ OJ L 122, 10.5.2019, p. 1.

2. Instructs its President to forward this decision to the Executive Director of the European Border and Coast Guard Agency, 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).

The President
Roberta METSOLA

The Secretary-General
Klaus WELLE

DECISION (EU) 2023/328 OF THE EUROPEAN PARLIAMENT**of 22 November 2022****on the closure of the accounts of the European Border and Coast Guard Agency (Frontex) for the financial year 2020**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Border and Coast Guard Agency for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0101/2022),
- having regard to its decision of 4 May 2022 ⁽³⁾ postponing the discharge decision for the financial year 2020, and the replies from the Executive Director of the European Border and Coast Guard Agency,
- having regard to its decision of 18 October 2022 ⁽⁴⁾ refusing to grant the Executive Director of the European Border and Coast Guard Agency discharge for the financial year 2020,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- 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 ⁽⁵⁾, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 ⁽⁶⁾, and in particular Article 116 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 ⁽⁷⁾, and in particular Article 105 thereof,
- having regard to Rule 100 of, and Annex V to, its Rules of Procedure,

1. Approves the closure of the accounts of the European Border and Coast Guard Agency for the financial year 2020;

⁽¹⁾ OJ C 439, 29.10.2021, p. 3.

⁽²⁾ OJ C 439, 29.10.2021, p. 3.

⁽³⁾ OJ L 258, 5.10.2022, p. 406.

⁽⁴⁾ Texts adopted, P9_TA(2022)0362.

⁽⁵⁾ OJ L 193, 30.7.2018, p. 1.

⁽⁶⁾ OJ L 295, 14.11.2019, p. 1.

⁽⁷⁾ OJ L 122, 10.5.2019, p. 1.

2. Instructs its President to forward this decision to the Executive Director of the European Border and Coast Guard Agency, 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).

The President
Roberta METSOLA

The Secretary-General
Klaus WELLE

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