

Frontex Discharge for 2020 in Limbo

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On 14 September 2022 - after widespread criticism of Frontex's involvement in illegal pushbacks, return operations, financial management and transparency policy - the agency published a [fact sheet](#) summarizing the main steps recently taken to improve its activities and standards to meet the expectations of stakeholders. Above all, it addresses the issues raised in the EP's Committee on Budgetary Control (CONT) draft second report on Frontex's discharge for the financial year 2020. According to the fact sheet, the agency has taken several measures to avoid mistakes in the future, e.g. as regards its budgetary and financial management by, for instance, providing training for staff and establishing an Internal Audit Capability.

In the field of fundamental rights, the agency boosted the number of Fundamental Rights Monitors to 46. In addition, the Standard Operating Procedure for the Serious Incident Report (SIR) mechanism was amended, better defining the role of the Fundamental Rights Officer in this process. A Standard Operating Procedure was introduced to support the Executive Director in the exercise of his/her powers to suspend, terminate, or not launch activities. Furthermore, the recommendations on implementation of the Frontex Regulation set out in the 2021 report by the Frontex Scrutiny Working Group (→[eucri](#)m news of [20 September 2021](#)) were implemented. Looking at return operations in Hungary (supported by Frontex), a series of measures were taken to ensure full compliance with the EU's asylum legislation.

In the area of data protection, the agency's Data Protection Officer prepared an Action Plan to implement the EDPS' recommendations on Frontex's data processing rules. To comply with the call for more transparency, a Transparency Register was set up to provide information on meetings and contacts between third-party stakeholders and senior managers in matters concerning procurement and tenders for services and equipment. The agency also set up a Public Register of Documents by which the public can search and access a wide range of documents. With regard to its operations, the agency is working on an operational brief to meet two aims: informing the public about its operational activities and respecting the confidentiality of the operational data, wherever possible. Lastly, the role and function of the Frontex Management Board have been enhanced to ensure oversight over the agency's activities.

Despite these efforts, the [European Parliament \(EP\)](#) still refused to discharge Frontex for the financial year 2020. On 18 October 2022, 345 MEPs voted in favour of the Committee on Budgetary Control [recommendation of 6 October 2022](#) to refuse the discharge, while 248 MEPs voted against, and 8 abstained. The majority of MEPs welcomed the appointment of the new interim Frontex Director in July 2022, corrective actions already taken or planned, and the new management style within the agency. [They criticised](#), however, the magnitude of misconduct under the previous Executive Director, existing flaws in financial management, and the non-fulfilment of several conditions for the discharge. One reprimand concerned the fact that the OLAF report on Frontex's activities has not been made available to all MEPs, which is why an informed decision

cannot be taken. Furthermore, MEPs believed that the agency still has structural problems that must be solved and pointed out that there are still issues open regarding the fundamental rights protection of asylum seekers and migrants, transparency, data protection, and alleged sexual harassment within the agency.

Frontex Executive Director ad interim, *Aija Kalnaja*, reacted to the vote on 20 October 2022. In her [statement](#), she acknowledged the EP's decision while also emphasizing the steps the agency has already taken in response to the recommendations of the EP to address the issues (see above). She also attested to the added value of Frontex for the EU Member States. Additional measures have been taken to prioritise the well-being of staff and to foster a change in management culture.

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