

Special Report

EU institutions and COVID-19

Responded rapidly, challenges still ahead to make the best of the crisis-led innovation and flexibility



EUROPEAN
COURT
OF AUDITORS

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Executive summary

I At the end of January 2020, the first case of COVID-19 was officially recorded in Europe. In a matter of weeks, the disease spread across the EU, forcing most Member States to put in place measures to slow down the rate of infection. With citizens urged to stay home and telework, the EU institutions had to find ways to ensure business continuity.

II The objective of this audit was to assess the resilience of the EU institutions: their level of preparedness, how they coped with the COVID-19 pandemic, and what lessons they have drawn from it. In particular, we examined whether the institutions:

- (a) followed recognised standards in their business continuity plans, and whether these plans were adapted to the type of disruption caused by a pandemic;
- (b) were able to function, minimising disruption and fulfilling their respective roles as assigned under the EU Treaties; and
- (c) drew lessons to adapt to their post-COVID-19 environment.

III Our audit covered four EU institutions: the European Parliament, the Council, the European Commission, and the Court of Justice of the EU. The audit focused on how the institutions' administrations handled the crisis between February 2020 and July 2021. We took into account decisions taken after July 2021, if they had an impact on the institutions' post-COVID-19 environment.

IV We concluded that the EU institutions demonstrated their resilience in the face of the COVID-19 pandemic. Their response was rapid and flexible, and benefited from previous investments in digitalisation. However, they have not yet fully evaluated the extent to which new ways of working introduced in response to COVID-19 are likely to be efficient or bring savings in the post-crisis environment.

V We found that the business continuity plans of the audited institutions had the set-up necessary to serve as a basis for their response to the crisis, but were not designed for long-term disruption or health crisis, and had to be complemented by ad-hoc decisions. There was no forum defined in their continuity plans for the institutions to consult each other quickly on the decisions they were taking to respond to the crisis. To ensure some coherence in their actions, they built on existing structures to share information and managed to limit the divergence in their responses. Their autonomy,

different roles, and the various national rules they had to take into account limited their ability to have an identical response.

VI We also found that the audited institutions designed and implemented a flexible response to the crisis. They adapted their rules of procedure to safeguard their core activities, and declared their premises off-limits to staff members whose presence was not essential. This enabled them to minimise disruption and fulfil the roles assigned to them by the Treaties. At the start of the crisis, the institutions had different levels of equipment to allow their staff to work remotely. However, all of them managed to equip all their staff with teleworking solutions within six weeks. As part of their response, the institutions accelerated the deployment of IT modernisation projects such as new communication and collaboration tools, paperless workflows, along with the increased use of electronic signature and e-invoicing. Despite the progress made, administrative services have not yet been fully digitalised.

VII The institutions started reflecting on the lessons to draw from the COVID-19 crisis in late spring 2020, and have continued this reflection throughout the crisis. We found that the crisis had a limited short-term financial impact for the institutions, since the savings achieved in some areas of expenditure, such as travel, were used to finance investments in IT. Most of the audited institutions had introduced new ways of working before the COVID-19 crisis. These changes were accelerated by the crisis, and all institutions expect travel and buildings management to be different after COVID-19. The assessment of the efficiency of the new ways of working has been partial – it is more advanced for core activities than for support tasks. Finally, the budgetary and environmental impacts of the new working arrangements have not been evaluated consistently.

VIII Based on these conclusions, we recommend that the four audited institutions:

- (a) include long-term disruption and provisions for interinstitutional cooperation in their business continuity plans;
- (b) further develop the digitalisation of administrative services; and
- (c) assess the suitability of new ways of working in the post-COVID-19 environment.

Introduction

01 At the end of January 2020, the first case of COVID-19 was officially recorded in Europe. In a matter of weeks, the disease spread across the EU, forcing most Member States to put in place measures to try to slow down its spread.

02 In this context, the ability of public administrations to continue functioning was essential to allow governments and international organisations to fulfil their roles and respond to the crisis. This ability is referred to as resilience: the capacity to absorb the negative impacts produced, or to recover, once a disaster has occurred¹. Resilience allows organisations to become stronger.

03 The EU institutions had been confronted with health and safety crises in the recent past: the Ebola outbreak (2014) for the EU delegations, and the Brussels (2016) and Strasbourg (2018) terrorist attacks. Nevertheless, the scale and duration of the COVID-19 crisis was unprecedented. The main aspects of the institutions' functioning impacted by the COVID-19 crisis were:

- governance and policy: decision-making processes to ensure continuity of operation, and update of work programmes to reflect the reassessment of priorities;
- workforce management: alternative solutions to physical work presence and changes in HR policies to ensure the continued performance of staff;
- IT: availability of laptops and other teleworking solutions, enabling remote decision-making, ensuring confidentiality of information and data protection;
- buildings: maintaining buildings in operational mode, ensuring physical security and management of access to premises.

¹ GUID 5330 – [Guidance on Auditing Disaster Management](#).

04 Governance and policy aspects are under the responsibility of the President and the Secretary-General of each institution. Secretaries-General are also responsible for issues related to workforce management, IT and buildings. In this report, references to decisions taken by an institution are to be understood as covering both decisions taken by the services under the responsibilities of the Secretaries-General and those taken by the members of the institution (Members of Parliament – MEPs, representatives of Member States in the Council, Commissioners, Judges, Advocates General and Registrars of the CJEU).

05 The role of each institution is defined by the Treaties². While the institutions are independent from each other they are expected to practice mutual sincere cooperation³. When it comes to workforce management, they are largely autonomous within the common framework set out in the staff regulations⁴. Each institution has its own rules of procedure dealing with issues such as internal organisation, decision-making rules, and relations with other institutions. When responding to the crisis, the institutions also followed the legislation in place in their host Member States and adjusted their decisions accordingly.

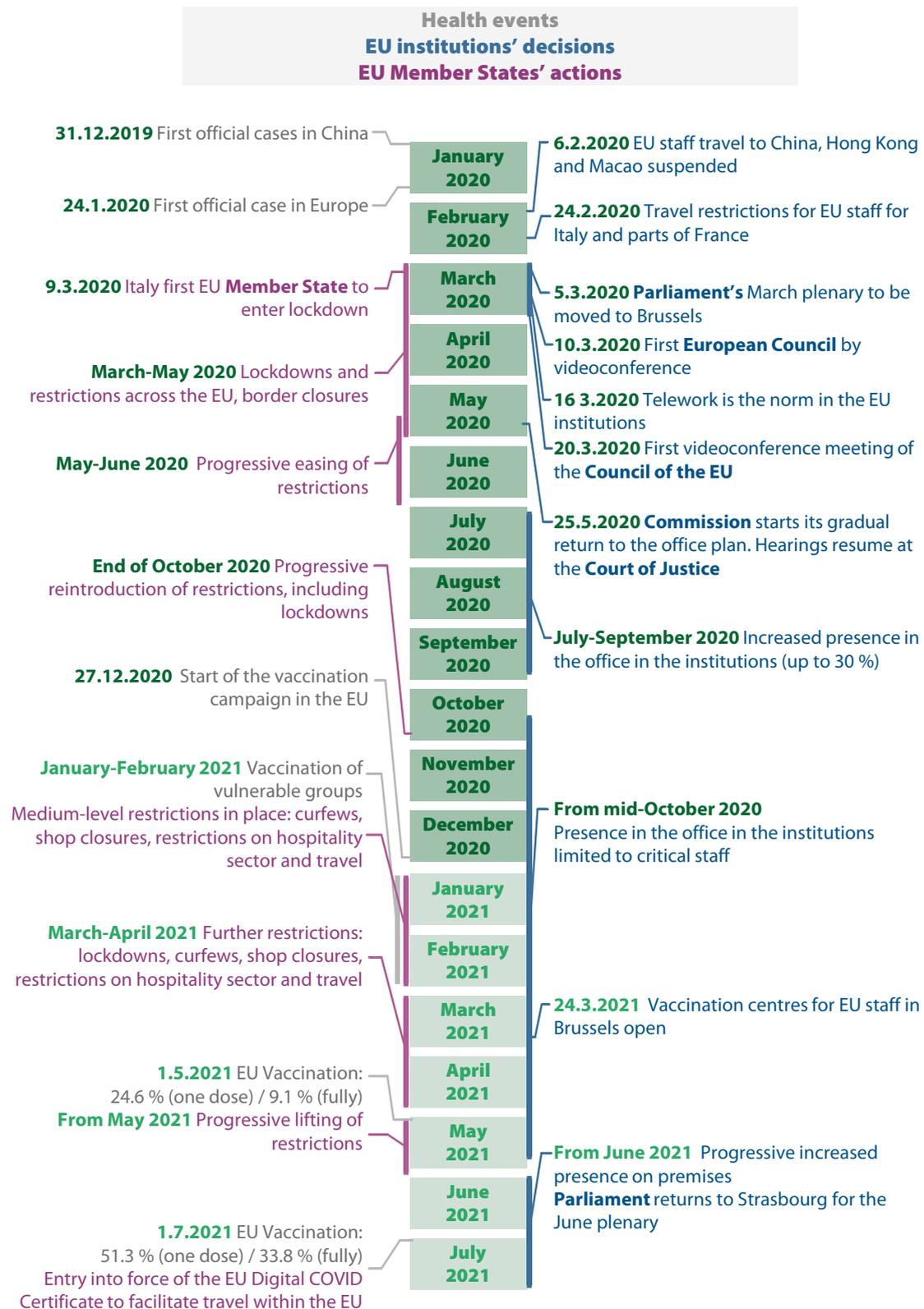
06 *Figure 1* shows the decisions taken by the institutions to respond to the evolution of the health situation and the national rules in place.

² Title III of the [Treaty on the European Union](#).

³ Article 13 of the [Treaty on the European Union](#).

⁴ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials.

Figure 1 – Decisions taken by the institutions in response to the COVID-19 crisis, January 2020 to July 2021



Source: ECA based on WHO, European Centre for Disease Prevention and Control, and EU institutions' data.

07 The institutions are financed under the “Administration” heading of the multiannual financial framework (MFF). Expenditure in 2020 under this heading was €10 billion. The costs involved mainly relate to spending on human resources (staff salaries, allowances and pensions), which account for 68 % of the total. Buildings expenditure accounts for around 9 % of administrative expenditure, and IT expenditure 4 %.

Audit scope and approach

08 The objective of this audit was to assess the resilience of the EU institutions: their level of preparedness, how they coped with the COVID-19 pandemic, and what lessons they drew from it. In particular, we examined whether the institutions:

- (a) followed recognised standards in their business continuity plans, and whether these plans were adapted to the type of disruption caused by a pandemic;
- (b) were able to function, minimising disruption and fulfilling their roles assigned under the Treaties;
- (c) drew lessons to adapt to their post COVID-19 environment.

09 We focused on the decisions taken by the EU institutions' administrations to maintain business continuity and ensure the institutions fulfilled their roles. We did not assess the EU's policy response to the COVID-19 crisis or its accompanying legislation.

10 The audit covered the decisions taken from January 2020 (first measures to limit staff travel to infected areas) to July 2021 (relaxing of rules due to improved health situation). Significant events happening after July 2021 were considered insofar as they had an impact on the institutions' post-COVID-19 environment.

11 We audited four EU institutions: the European Parliament, the Council of the European Union, the European Commission, and the Court of Justice of the European Union (CJEU). The Parliament's seat is in France (Strasbourg) and it has workplaces in Belgium, and Luxembourg. The Council is entirely located in Belgium, but meets in April, June and October in Luxembourg. The Commission's departments are mainly in Belgium and Luxembourg, but its Joint Research Centre has locations in Germany, Spain, Italy, and the Netherlands. The CJEU is based in Luxembourg.

12 We reviewed the institutions' decisions and procedures related to their response to the crisis, as well as the minutes of meetings of the bodies involved in crisis management. We gathered the feedback of the administrative departments concerned through questionnaires, and used the surveys conducted by the institutions to assess their staff's perception of the measures put in place. We interviewed senior managers involved in managing the crisis, as well as representatives of the staff committees.

13 Our report is part of the series of audit work done by the ECA on COVID-19. It provides a first assessment of the impact of the crisis on the functioning of the institutions. We conducted this audit before the end of the pandemic, so our conclusions and recommendations are timely and relevant to support the audited institutions in the improvement of their efficiency and preparedness in the face of long-term disruptions.

Observations

The institutions' business continuity plans mostly followed recognised standards and provided a basis for their response to the crisis

The institutions' business continuity plans followed recognised standards but were not designed for long-term disruptions or health crises

14 The role of a business continuity plan (BCP) is to allow an organisation to react to disruptions while maintaining the ability to carry out its essential activities and legal obligations. BCPs should define the persons in charge of their implementation, set out the essential activities of the organisation, be adapted to the risks identified by the organisation and be regularly updated and tested⁵.

15 The EU institutions started reflecting on their business continuity policies in 2006, motivated by the threat of the H5N1 avian flu pandemic. The need for comprehensive business continuity policies became even clearer in 2009, the year of the H1N1 flu pandemic. At the time, the interinstitutional committee in charge of medical cooperation (interinstitutional medical board – IMB) estimated that up to 30 % of staff could be unavailable, either because they were sick themselves or because they were caring for sick dependants.

16 The audited institutions first drafted business continuity policies and business continuity plans between 2006 and 2013. In line with the applicable standards on business continuity (see paragraph 14), all of the BCPs had clear definitions of roles and responsibilities, list the essential activities to be maintained in times of crisis, and the minimum staff needed for that purpose. The BCPs provided for some decentralised management of incidents, but all events having an impact on an institution as a whole were to be managed centrally within each institution, by a crisis management team which was usually composed of the Secretary-General of the institution and representatives from its administrative directorates. In all the audited institutions, each directorate or directorate-general had its own BCP, with the list of essential activities, minimum resources needed to carry them out and the recovery time for

⁵ ISO 22301:2019 Security and resilience – Business continuity management systems – Requirements.

each of them. There was also a central BCP for the crisis teams, which included steps to take in case of an incident.

17 Even if pandemics and their disruption were at the origin of the institutions' reflections on business continuity, in 2020 there was no longer explicit reference to pandemic plans in the BCPs, except for the CJEU which had kept its avian flu plan in its BCP. The CJEU's avian flu plan established direct links between the World Health Organization's decisions and the actions to be implemented by the institution. In the worst case scenario (risk of death for staff), the CJEU's plan envisaged a complete suspension of judicial activity and the closure of its premises.

18 For the other institutions, pandemics were mentioned in risk assessments, but this was not accompanied by potential mitigating measures adapted to long-term disruptions, or long-term unavailability of all premises. These institutions had back-up and relocation plans to different buildings to cope with disruptions of a few days. The unavailability of all buildings at the same time, or the impossibility to travel to another working place was not envisaged. The Parliament envisaged telework, in a limited way, only for activities that could not be relocated to other premises. The medical services of the Parliament and of the Council had their own plans for contagious diseases but these were not integrated in their institution's BCP.

19 The audited institutions generally updated their BCPs regularly. Between 2013 and January 2020, the institutions' BCPs were also tested either by exercises designed for that purpose, or during real-life crises, from minor building incidents to terrorist attacks (Brussels in 2016, Strasbourg in 2018).

The institutions built on their business continuity plans to design their responses to the crisis

20 To implement an adequate response to a crisis, an organisation needs to have crisis decision-making bodies in place, whose powers are suited to the situation. It also needs to liaise adequately with relevant stakeholders, and communicate its decisions to its staff⁶.

⁶ Ibid.

21 By the second half of February 2020, all audited institutions started to activate the crisis management structures planned in their BCPs. The human resources directorates were always involved, which ensured the involvement of the medical services, if only indirectly. Some institutions adjusted their crisis management structure to the circumstances of COVID-19.

- The Council considered that the composition of its Crisis Management Team was not best suited to deal with the COVID-19 crisis. Instead, it relied on the management teams of the administrative directorates-general with the support of the business correspondents of other departments, and of its chief medical officer.
- The Parliament's chief medical officer was not a member of the institution's Crisis and Business Continuity Management Team (CBMT), but was brought on as a direct adviser by the Secretary-General.

22 The introduction of teleworking reduced the risk of staff becoming infected. The IMB's 2009 scenario of 30 % of staff being sick or unavailable was never realised, but access to the institutions' premises was limited because of national lockdowns. Under the situation provided for in the BCPs, the institutions would have had to keep only essential activities running. In the event, though, they were able to continue to carry out all of their activities, but had to decide which ones to keep performing on site and which ones to carry out remotely.

23 In early March 2020, before the national lockdowns were introduced, the Council decided to keep only the staff necessary for the organisation of Council meetings on site. The CJEU encouraged a larger use of written exchanges. For cases in which a hearing (on site) had already been planned, judges were invited to examine whether they could be postponed, or if not, whether they could be replaced by written questions and answers. The Parliament and the Commission kept their activities on site until mid-March 2020.

24 The institutions exchange information and cooperate through various interinstitutional committees. However, none of the audited institutions had provisions in their BCPs on the roles of these committees, apart from some general remarks about informing the other institutions if the BCPs were activated. Faced with a common crisis, they did not have a forum defined in the BCP context where they could quickly inform each other of decisions they had taken.

25 In the second week of March 2020, the chair of one committee – the preparatory committee on statutory questions (CPQS), with representatives from all institutions – which deals with issues related to the staff regulations and the conditions of employment, organised an informal meeting to discuss the measures implemented in all the institutions. This informal set-up continued throughout the pandemic, and meetings took place regularly. The CPQS has no mandate to take decisions for the institutions, but the informal network helped, to some extent, to harmonise the decisions taken (for example, on how to handle interinstitutional transfers of staff). Due to the institutions’ autonomy, their different tasks, and because the rules in force in the host Member States differed, each institution took a different approach during the crisis. We observed some differences in human resources management practices, in particular concerning the conditions under which telework from outside the place of employment was allowed (see [Annex II](#)).

26 In addition to interinstitutional cooperation, the institutions liaised regularly with the national and local authorities in the host Member States to discuss the health measures taken and their impact on the institutions’ functioning.

27 The institutions relied on some of the communication channels planned in the BCPs for short-term incidents (e-mails or text messages). In late February 2020, they also put in place dedicated intranet pages to inform staff of the measures taken and to share the latest medical advice. E-mails were used to relay the information posted on the intranet to maximise dissemination.

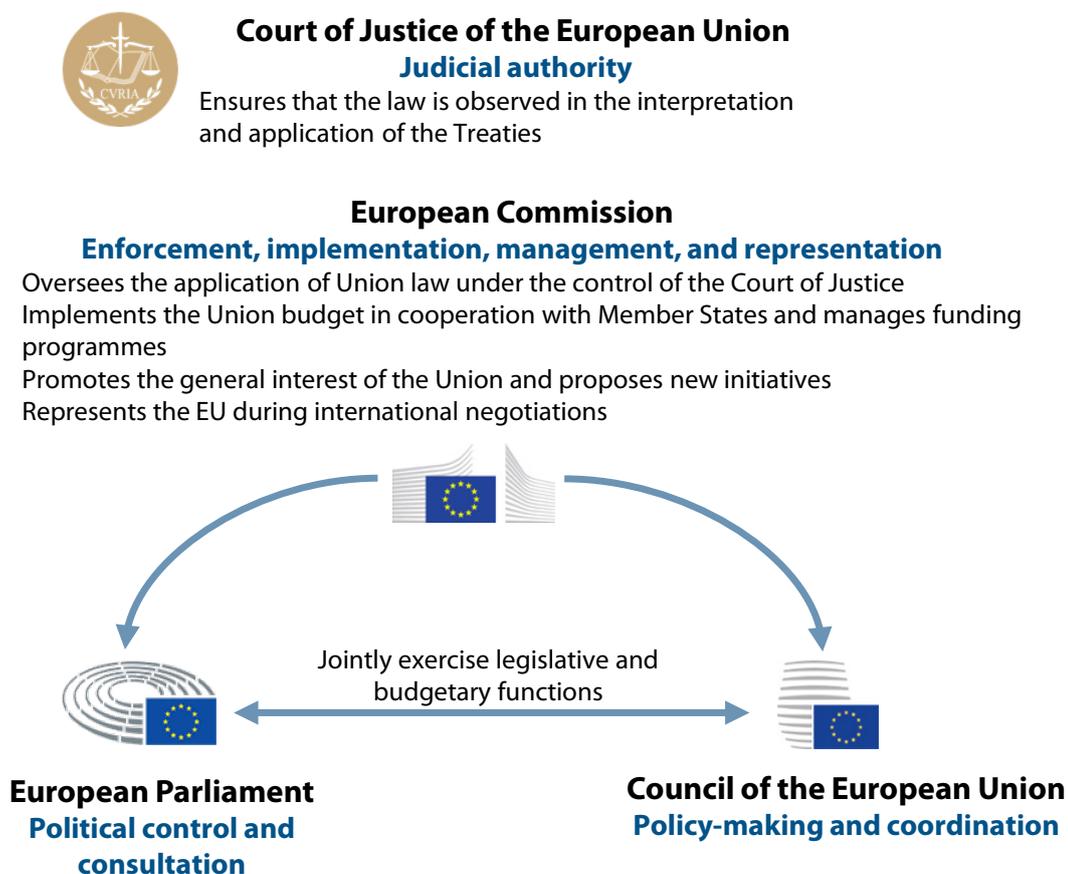
The institutions managed to minimise disruption to their core activities

The institutions adapted to continue fulfilling their roles under the Treaties

28 Each of the audited institutions has core activities linked to their role set by the Treaties, summarised in [Figure 2](#). The resilience of the institutions during the crisis rested on their ability to fulfil their role under the Treaties, and to respect established principles of their functioning such as multilingualism⁷.

⁷ See Article 24 of the [Treaty on the Functioning of the EU](#), Article 55 of the [Treaty on the EU](#) and [Regulation No 1/1958](#).

Figure 2 – The audited EU institutions and their roles



Source: ECA based on Articles 14, 16, 17 and 19 of the Treaty on European Union.

The institutions adapted their rules of procedure to ensure continuity of operations in crisis

29 The rules of procedure in force in the audited institutions in January 2020 had not been designed with potential long-term disruptions in mind. None had specific provisions to deal with serious constraints on the ability of the members of the institution to meet.

30 The Parliament and the Council jointly exercise legislative and budgetary power in the EU⁸. To fulfil their role, they need to be able to debate, amend and vote on the policy initiatives put forward by the Commission. Before the COVID-19 crisis, these activities were almost entirely done through in-person sittings of Parliament, meetings of Council ministers or working parties. Once lockdowns and travel restrictions were put in place, these in-person meetings or on-site hearings became more difficult and in some cases impossible to organise. The Commission's and the CJEU's rules of

⁸ Articles 14 and 16 of the [Treaty on the European Union](#).

procedure had more in-built flexibility, providing options that could be used when in-person meetings were not possible (see [Box 1](#)).

Box 1

Rules of procedure in the institutions before the COVID-19 crisis

The Parliament's legislative work, its debates and its votes are public. There was no provision in its rules of procedure for alternative off-premises voting arrangements.

The Council's meetings are public, when the Council deliberates or votes on a legislative act. The absence of one or more members is possible at a Council meeting: when a vote is taken, one member of the Council may act on behalf of only one other member. Written procedures were possible, but only in certain circumstances.

The Commission's meetings are not public. Written procedures are a standard decision-making practice at the Commission, provided that all associated conditions are met. This is one of several possibilities available for the institution to take decisions even if its members cannot meet in person.

The CJEU's rules provide that proceedings have both a written and an oral part, but the oral part is not compulsory. Written answers can also be given to questions in specific cases, allowing the institution to maintain its activity when hearings cannot be held. The rules of procedure also allow time limits for submitting written observations and documents to be extended.

31 To ensure they had the right framework to continue operating, the institutions (with the exception of the CJEU) had to adapt their rules of procedure. The Parliament amended the rules governing voting on 20 March 2020 to allow for remote voting during the plenary, and on 8 April 2020 for voting in committees. It finally amended its rules of procedure in December 2020 to introduce measures for “extraordinary circumstances” which allow parliamentary sessions to be postponed, moved to another location or be held in split rooms or remotely. Parliamentary sessions over the audited period were held with MEPs voting remotely, although some were physically present on premises. Due to travel restrictions, plenary sessions were moved from Strasbourg to Brussels from March 2020 to June 2021.

32 The alternative voting arrangements allowed legislative activity to continue. Remote participation complicated interpretation (due to poorer audio quality and lack of visual contact) and the duration of meetings was reduced to take this into account. Nevertheless, the Parliament’s legislative activity in 2020 and 2021 was similar to that of 2019 (see [Table 1](#) in [Annex I](#)).

33 The Council did not amend its rules of procedure, but it introduced a temporary derogation on 23 March 2020 to make it easier to use written procedures under specific conditions. The institution needed alternative adoption arrangements since ministerial discussions held by videoconference were deemed to be informal meetings and as such no official Council acts could be adopted during them. This derogation allowed the Committee of the Permanent Representatives of the Governments of the Member States (Coreper) to decide, in accordance with the applicable majority rules for the act under consideration, to use the written procedure. In practice, the act under consideration would be discussed during informal meetings, and then Coreper could decide to use the written procedure.

34 The Council initially adopted the derogation for a month and extended it throughout the crisis; the current derogation expires at the end of June 2022. Coreper, which is Brussels-based, continued to meet physically throughout the crisis. This set-up increased Coreper’s workload, but it allowed the Council to maintain its legislative activity at a level similar to that of previous years (see [Table 2](#) in [Annex I](#)). Physical Council meetings also took place whenever possible.

35 The Commission amended its rules of procedure on 22 April 2020 to clarify that its meetings could be held by “means of telecommunication systems allowing for Members’ identification and effective participation”, to avoid any disruption in the functioning of the College. The Commission’s 2020 work programme was adapted in May 2020 to reflect changes in priorities brought about by the COVID-19 crisis. Around a quarter of policy initiatives initially planned were postponed by three to six months because of the pandemic. In parallel, the Commission introduced new initiatives as a policy response to the crisis, such as the NextGenerationEU (NGEU) plan (see [Box 2](#)), proposed alongside the 2021-2027 multiannual financial framework.

Box 2

Adopting policies in time of crisis: NGEU

In May 2020, the Commission put forward an amended proposal for the 2021-2027 MFF, to take into account the changed economic circumstances brought about by the COVID-19 pandemic (the original Commission's proposal was from May 2018). Linked to this proposal, the Commission proposed a recovery instrument, NextGenerationEU (NGEU), with a budget of €750 billion for 2021-2024.

The European Council met physically on 17-21 July 2020 (for the first time in 2020) and agreed a position on NGEU. The Parliament debated the Council's conclusions on 23 July 2020, with the speakers in Brussels but the vote taking place remotely.

Negotiations between the Parliament, the Council and the Commission, in person or remotely, continued until 10 November 2020. On 16 December 2020, the MFF and the NGEU proposals were finally adopted (an in-person vote in the European Council, and an in-person debate with a remote vote at the Parliament).

36 The CJEU's activity is driven by the cases that are brought before it. Between 16 March 2020 and 25 May 2020, the CJEU suspended hearings, since its premises remained closed to staff. The suspension of hearings did not result in a suspension of judicial activity (see [Box 1](#)). During the period when hearings were suspended, judgments were delivered once a week in person by the President. Once hearings resumed, the CJEU put in place an IT system allowing remote participation for parties unable to travel to Luxembourg. The institution did not suspend on-site judicial activity again after 25 May 2020.

37 The overall effect of COVID-19 on the CJEU's judicial activity was mixed, since it is linked both to the level of activity of the national courts which refer cases to it and that of the EU institutions, bodies, offices and agencies. In 2020, there were fewer incoming cases than in 2019; the number of pending cases increased slightly, but the average duration of cases did not (see [Table 4](#) in [Annex I](#)).

The institutions endeavoured to maintain multilingualism

38 The principle of multilingualism means that all the official languages of the EU Member States are official and working languages of the institutions. To ensure that this principle is respected, the institutions rely on translators and interpreters. COVID-19 brought specific constraints for interpreters: interpretation booths could not be used to their full capacity because of physical distancing, and freelance interpreters

were not always able to travel. The move to remote and hybrid meetings came with technical challenges (see paragraph 32). Despite this, the institutions put in place solutions to safeguard multilingualism during the crisis (see [Box 3](#)).

Box 3

Multilingualism in times of COVID-19

The Parliament provided interpretation in all EU languages in remote settings from 23 March 2020, with the use of a dedicated platform through which its own interpreters could connect and interpret from anywhere. Interpreters could be located in additional booths on the premises, or they could interpret remotely from another Parliament site, or from hubs which were set up in some European cities (London, Riga, Vienna, and Ljubljana). For example, interpretation for the Strasbourg plenary could be provided remotely from Brussels.

The CJEU developed its own system to allow parties connecting remotely to participate in hearings and to benefit from live interpretation. In May 2020, interpretation into only one language could be provided under this system. From December 2020 onwards, interpretation could be provided into any three EU languages (based on the request of the parties), and up to five from February 2021.

The Council focused on providing interpretation for informal ministerial videoconferences in all official EU languages. One remote connection was given to each Member State; interpreters were located in booths on Council premises. For virtual working parties' meetings, decisions on interpretation arrangements were taken on a case-by-case basis.

The Commission ensured interpretation services in its three working languages (English, French and German) for the activities of the College of Commissioners.

The institutions fulfilled their duty of care towards staff and maintained working capacity

39 The institutions have to provide their staff with working conditions which comply with the appropriate health and safety standards⁹. To maintain business continuity without having to suspend non-essential activities, the institutions also had to maintain staff's availability and performance to the highest possible level.

⁹ See [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials, Article 1e.](#)

The institutions took appropriate measures to protect their staff's health and prevent infections on their premises

40 The IMB is composed of the medical officers of the institutions. Its role is to inform the institutions' heads of administration about health issues. From February 2020, it sent a series of notes, first detailing the development of the pandemic, then, in the next phases of the pandemic, setting out the consensus reached by its members on the various measures to put in place to ensure the staff's safety while on the premises, and informing about guidelines on psychological support, and vaccinations.

41 Staff returning from risk areas in February 2020 were asked to telework to limit the risk of infection, and the institutions invited vulnerable staff to telework from the second week of March 2020. Throughout the audited period, the IMB recommended telework as a way to break the chains of transmission.

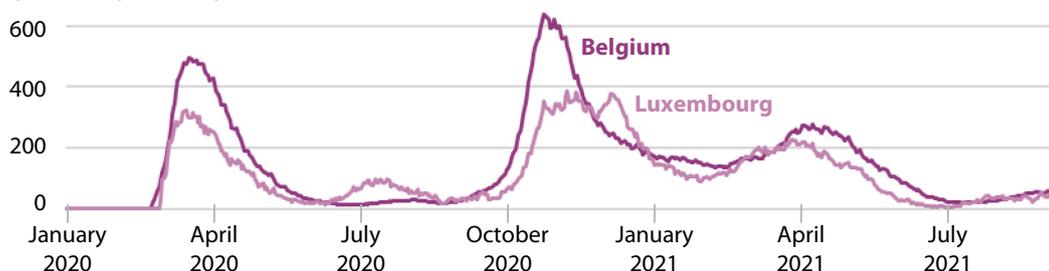
42 *Figure 3* shows how staff attendance figures developed during the audited period, based on each institution's monitoring:

- as long as the host Member States maintained limitations on movement (spring 2020, winter 2020-2021), the institutions followed suit and kept the number of staff on premises low, limiting it to staff whose presence was essential;
- when national restrictions were progressively lifted (June 2020, and again from spring 2021), the institutions allowed more staff on their premises, if their presence was necessary to support core activities on site (such as sessions, meetings and hearings);
- at times when the health situation improved (summer and autumn 2020), the institutions also encouraged staff who had reported difficulties when working remotely to come to the office.

Figure 3 – The institutions adjusted presence on premises according to the health situation

COVID-19 in Belgium and Luxembourg

Hospitalised patients per million inhabitants



Stringency index (*)

Belgium



Luxembourg



Recorded presence on premises

Parliament



Council



Commission



Court of Justice



*The [OxCGRT Stringency Index](#) records the strictness of closure and containment policies, which reduce contacts between people. It is presented on a colour scale from green (no restrictions) to red (lockdowns).

Source: ECA based on Our World in Data (number of hospitalised patients), the Oxford stringency index, and information from the audited institutions (monitoring varied between the institutions).

43 To ensure the safety of staff that came to work on site, the institutions put in place protocols (physical distancing, cleaning, mask-wearing), based on the recommendations of the IMB, their own medical services, and the national authorities. COVID-19 cases (among staff, contractors and visitors) were tracked by each institution’s medical service to reduce the risk of on-site infections. The Parliament also offered testing on its premises.

44 From spring 2021, the institutions encouraged their staff to get vaccinated, either by setting up their own vaccination centres in agreement with the local authorities (in Brussels) or informing their staff about how they could be included in the national vaccination campaigns (Luxembourg and other countries). The institutions followed their host Member States' rules on vaccination and access to the workplace. The Parliament, based on a recommendation from the IMB, went beyond national rules and introduced a requirement to present a Digital COVID Pass to gain access to its premises from November 2021.

The institutions supported their staff's well-being and helped them adapt to the new working conditions

45 Before the crisis, the number of EU staff members regularly teleworking was low: the possibility had been offered to linguists and translators since 2009 in most institutions, and had been extended to all eligible staff since 2016, starting with the Parliament and the Commission. In December 2019, the Commission reported that around 25 % of its workforce (8 000 people) was using the possibility to telework on an occasional basis. When the institutions introduced compulsory telework in mid-March 2020, most of their staff had never used this possibility before.

46 To maintain staff performance, the institutions put in place various training courses related to telework and to the new IT tools which had been introduced. They put a particular focus on providing training and support to middle managers to help them manage their teams remotely, and on improving conditions for working from home (see [Annex II](#)).

47 Staff availability increased during the crisis for a number of reasons. The data we obtained, from the Council and the Commission, indicates that staff recorded more working hours in 2020/2021 than in previous years. All institutions reported a decrease in the number of days of short-term sick leave taken. There was also a decrease in the number of part-time workers in all institutions (mainly for staff working 80 %, 90 % or 95 % part-time).

48 The audited institutions allowed staff to telework from outside of their place of employment¹⁰, as an exceptional measure motivated by the circumstances (isolation, need to take care of relatives). This possibility was granted under specific conditions. For the Parliament, the option to work from outside the place of employment was to

¹⁰ See [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials](#), Article 20.

allow staff to take care of relatives and therefore came with a requirement to work part-time and with a corresponding reduction in salary (see [Annex II](#)). The way the institutions monitored the number of staff using this possibility varied, but the overall recorded figures were nonetheless low: never more than 2 % of the Parliament's staff used it at any given time; 3 % at the CJEU; around 5 % at the Commission (which had a limit of 10 days per year), and 5.8 % at the Council (only monitored in May-June 2021). This exceptional measure was gradually discontinued by the end of 2021.

The institutions accelerated the deployment of existing modernisation projects but the digitalisation of administrative services remains a challenge

49 To maintain staff performance during the crisis, the institutions needed to ensure that most staff members were equipped with the right tools to work remotely. The institutions had to find alternative solutions to physical meetings. These solutions needed to be secure and adequate, allowing the institutions to conduct both their support tasks and their core activities. They had to put in place administrative processes adapted to remote work, relying more on paperless workflows.

Despite uneven levels of preparedness the institutions quickly enabled staff to work remotely

50 The institutions had gradually been extending the opportunity to telework to all staff since 2016 (see paragraph [45](#)). In parallel, they had also started providing their staff with equipment allowing them to work remotely: either with corporate laptops with virtual private network (VPN) access, or with virtual desktop infrastructure (VDI) licences to allow staff to connect to their work environment from a private device.

51 In January 2020, the institutions had different levels of mobile IT equipment for their staff. More than 90 % of the staff at the Council and the Commission had corporate laptops. Both institutions had enough VPN licences (permanent or emergency ones) to cover all their staff. They also had a limited number of VDI licences.

52 The Parliament and the CJEU were in the middle of the deployment of their IT mobility programmes when the switch to teleworking took place. The CJEU had sped up its programme in 2019, with the objective of completing it by spring 2020. The European Parliament's objective was to complete its deployment of laptops to staff by the end of the 2019-2024 legislature. By mid-March 2020, about 35 % of Parliament and 71 % of CJEU staff were already equipped with VPN or VDI solutions letting them

work remotely. All staff had access to their professional e-mail inboxes through webmail tools.

53 The Parliament and the CJEU accelerated the deployment of laptops. Both institutions prioritised critical services, such as the registries of the CJEU, for the distribution of hardware, and also increased the number of VDI licences available (for staff not yet equipped with corporate laptops). By May 2020, 95 % of their staff members were able to telework using VPN access or a VDI licence, and by the end of June 2020, all staff members were equipped.

54 All institutions also needed to increase the capacity of their infrastructure to match the number of connections. During the first weeks of the switch to telework, staff reported some issues on the quality and stability of connections, but these had mostly been solved by April 2020. The number of requests made to the institutions' helpdesks decreased significantly from April 2020 as staff got used to the telework tools and the bandwidth capacity increased.

The crisis accelerated the deployment of cloud-based collaboration tools and specific videoconferencing solutions but this brought with it data protection and security challenges

55 Collaboration IT tools allow staff to work together without being in the same room. The term covers an array of tools from videoconferencing solutions, to platforms allowing documents to be shared and edited in real time. The institutions had been using some of these tools before the crisis: the Commission, for example, had been using collaborative sites since 2013. Across the institutions, videoconferencing solutions were common. They were usually used from specially equipped rooms, to organise meetings between them and with external stakeholders.

56 Cloud services have been growing worldwide since 2016/2017. They offer new possibilities for collaboration, since they are not limited by physical infrastructure. Since 2019, some of the institutions have been testing cloud-based tools, including videoconferencing solutions with collaborative features (document sharing and editing). However, the use of cloud services brings its own risks in terms of security and data protection compared to on-premises infrastructure¹¹.

57 The audited institutions have different assessments of the data protection and IT security risks associated with collaboration cloud-based tools, which led them to take

¹¹ [Special report 05/2022: "Cybersecurity of EU institutions, bodies and agencies"](#).

different decisions on their deployment. The Schrems II judgment¹² in July 2020, and the subsequent European Data Protection Supervisor (EDPS) recommendation¹³ not to deploy new services involving the transfer of personal data outside the EU, added another level of constraints on the type of collaboration tools that the institutions could use. The institutions using US-based cloud services and videoconferencing tools had to review their contracts with their providers to ensure an adequate level of data protection (see [Box 4](#)).

Box 4

Deployment of internal and interinstitutional videoconferencing solutions

The Commission continued with its planned deployment to all staff of the cloud-based collaboration tools it had been piloting, but negotiated with its provider to ensure that data transfer was compliant with the Schrems II judgment. It also added its own additional levels of security.

The Council did not proceed with the full deployment of an internal videoconferencing tool but kept it as pilot project, pending an impact assessment and information risk management.

The Parliament did not proceed with full deployment of these tools and instead kept them as pilot projects, pending an EDPS review.

The CJEU decided not to move forward with further deployment of any cloud-based collaboration tools, and kept its original videoconferencing software. It also reviewed the contract with the provider of this software to ensure compliance with the judgment.

As a result, the institutions use two different types of videoconferencing tools, cloud-based or on premises, for their day-to-day support activities. These two types of tools are interoperable, ensuring that the institutions can nevertheless interact with each other.

¹² [Case C-311/18 – Facebook Ireland and Schrems](#), 16.7.2020, invalidating the [EU-US Privacy shield decision](#) on the transfer and processing of personal data.

¹³ See the EDPS's [strategic guidance to EU institutions](#) from October 2020: "The EDPS strongly encourages EU institutions, bodies, offices and agencies to ensure that any new processing operations or new contracts with any service providers do not involve transfers of personal data to the United States."

58 The institutions also deployed specific videoconferencing solutions to enable core activities such as parliamentary debates, Council meetings, meetings of the College of Commissioners, and judicial hearings to take place remotely. The lockdown accelerated the implementation of videoconferencing projects for core activities in the institutions.

59 As part of its portfolio of IT projects for 2019-2021, the Parliament was considering how to fully organise conferences remotely for both speakers and attendees, with all the facilities of an in-person conference such as interpretation and interactive discussions. In March 2020, it was in the process of choosing a provider for this project, when the decision to switch to remote work was taken, and a quick choice of tool had to be made.

60 The Parliament was already able to offer MEPs the infrastructure necessary to hold committee meetings and plenaries remotely, with simultaneous interpretation a week after the start of the Belgian lockdown (see [Box 3](#)). The Parliament worked to tailor the chosen tool and its functionalities to the institution's needs. When plenary sessions in Strasbourg resumed after June 2021, it allowed the institution to reduce the number of staff travelling there since interpretation could be provided from anywhere. The infrastructure behind the tool used by the Parliament is entirely cloud-based.

61 The Council opted for a different software, choosing a tool that could be used both through cloud services and through an on-premises server, allowing full control of the connections for Ministers' meetings. In January 2021, the Council adopted a plan on the establishment of a videoconferencing platform for discussions on sensitive or classified information up to EU SECRET classification level, since the existing software could only be used for non-classified, non-sensitive information. Classified and sensitive issues have to be dealt with on the premises.

62 Both the Parliament and the Council chose Europe-based (EU or EFTA) companies, operating under the EU's data protection regulations, for videoconferencing services enabling holding parliamentary debates and Council meetings. The CJEU did not use cloud-based services (see [Box 4](#)). Instead, it developed its own videoconferencing solution for hearings, based on the software already in place (see [Box 3](#)).

Despite improvements, digitalisation of administrative processes remains a work in progress

63 To ensure that support tasks, in particular in finance and human resources, could continue without interruption or delays, the institutions needed to digitalise their workflows. Before the COVID-19 crisis, the level of digitalisation of administrative processes varied between institutions: tools such as e-invoices and digital signatures, along with paperless workflows, were in use, but with different levels of uptake.

64 Electronic procurement procedures (e-procurement) have been available since 2009 through the e-PRIOR platform. The e-PRIOR platform also allows suppliers to issue invoices electronically to their customers. E-invoices promote digital financial workflows, as they are automatically processed. However, not all suppliers use this service, and the institutions do not proactively encourage them to, which means that e-invoicing is not universally used across the institutions.

65 E-invoices represented 57 % of the invoices received by the Council in 2019. At the CJEU, the proportion of e-invoices was 60 % in 2019. The disruption caused by the restrictions put in place to limit the spread of COVID-19 also affected the suppliers of the institutions, leading some to switch to e-invoices. The Council and the CJEU indicated a net increase in the number of e-invoices received, reaching 74 % of all invoices in both institutions in 2020. The Parliament and the Commission did not monitor the proportion of e-invoices received by their institutions. The Parliament adapted its rules on invoice management to also accept invoices in electronic format even if they were not sent through e-PRIOR.

66 The current legal framework for electronic signatures dates from 2014¹⁴. The increased use of electronic signatures in the EU institutions is linked to an increase in the use of electronic document management, including for the management of staff files.

67 Before the crisis, electronic signatures were used in all institutions except the CJEU, with different levels of certification depending on the need. The introduction of widespread telework and the need to establish paperless workflows encouraged their use. However, uptake was uneven across the institutions. The Council, for example, accepted electronic signatures from its suppliers, and signs its purchase orders manually. The Commission had started rolling out qualified electronic signatures for

¹⁴ Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market.

the signature of contracts, and accelerated this during the crisis. Since the CJEU had not previously used electronic signatures, it initially used e-mail to validate human resources decisions during the crisis. It later signed an agreement with the Commission to use the EU Sign tool (a Commission-managed service for electronic signatures), enabling it to have a qualified electronic signature in place by the end of 2021. At the time of the audit, qualified electronic signatures were progressively being rolled out in the Parliament and the Council.

The assessment of the efficiency of the new ways of working in a post-crisis environment has started

The assessment is more advanced for core activities than for support tasks

68 Resilient organisations are ones that have the capacity to learn from a crisis and emerge stronger¹⁵. This requires lessons to be learned from all aspects of the response to a crisis. It also requires the organisation to identify good practices put in place during the crisis that will still be relevant after the crisis has passed.

The institutions started their lessons learned exercise early

69 Once the restrictions of spring 2020 were lifted, the audited institutions launched lessons learned exercises on their response to the COVID-19 crisis. These early exercises focused on crisis management and the way the institutions' BCPs had been implemented.

70 None of these exercises identified major weaknesses in how the institutions managed and responded to the crisis. The lessons drawn from COVID-19 were included in the institutions' 2021 risk assessment exercises which covered risks of staff unavailability due to pandemics more explicitly than previous such exercises. The institutions put forward telework as a mitigating action to reduce this risk.

71 From May 2020, the institutions carried out staff surveys to gather feedback about different aspects of their responses (communication, health measures put in place) and about staff members' wishes and expectations for the future organisation of work, in particular regarding telework, once a return to the premises was possible.

¹⁵ GUID 5330 – [Guidance on Auditing Disaster Management](#).

As the situation evolved, the institutions carried out further surveys and consulted managers.

For their core activities, the institutions consider that physical interactions are better

72 The audited institutions put in place new ways of conducting their core activities (see paragraphs [58-62](#)), relying more on the use of videoconferencing and new collaboration tools. From May 2020, the Commissioners reverted to a physical format for their weekly meetings, considering it was more appropriate for political discussions. In early 2022, the Parliament, the Council and the CJEU were still reflecting on the extent to which the new ways of working would be maintained after the pandemic, but they had already taken some decisions, based on an assessment of the efficiency of these new ways of working for the institutions' core activities.

73 In 2021, the President of the Parliament launched a broad reflection on the post-COVID-19 Parliament called "Rethinking parliamentary democracy". The use of remote voting in normal circumstances, when the Parliament can convene but some MEPs are prevented from attending, was still being debated at the time this audit was concluded, following recommendations from the focus groups of MEPs involved in this reflection. The conclusions of these focus groups indicate that MEPs consider that parliamentary debate was of a higher quality when it was conducted in person.

74 In parallel, the Parliament's administration has signed a new agreement with freelance interpreters to allow them to work from home, and from hubs in Member States, which improved the availability of interpreters for some languages. The administration is assessing a continuation of remote interpretation for the Strasbourg plenary, which could lead to a reduction in the number of staff members travelling there.

75 The Council also arrived at the conclusion that physical Ministers' meetings are more efficient than virtual ones. As shown in [Table 2](#) in [Annex I](#), the majority of meetings (56 %) took place physically in 2020, despite the restrictions in place. For high level meetings, such as those of the European Council (heads of state or government of the EU Member States), the physical format is considered more efficient by all parties concerned. This preference for physical meetings is confirmed by the fact that the rules facilitating the use of written procedures were designed as a temporary derogation and not as permanent amendments. Once the derogation ends, written procedure will revert to being used under the conditions set out in the Rules of Procedure. The Council nevertheless intends to keep the possibility of remote informal meetings – also for sensitive or classified discussions (see paragraph [61](#)) – including

informal meetings of the ministers or of the working parties, as a complement to physical meetings, as these can allow for urgent consultation and exchange of information.

76 The CJEU also considers that while remote participation can be useful, it is not entirely equivalent to a physical hearing, and should only be kept as a possibility when a party is prevented from attending the hearing in person.

Telework is being used more widely in the institutions but its suitability in a post-crisis environment is still being assessed

77 Telework and the IT tools supporting the new ways of working were introduced before the outbreak of the COVID-19 pandemic. In preparation for the post-COVID-19 environment, the institutions have extended the use of telework, but their assessment of its efficiency and suitability in a non-crisis environment was still ongoing at the time of the audit, because the crisis had not yet passed.

78 The CJEU carried out a survey in May 2021 asking staff and managers to assess which working arrangements were best suited to their tasks. The results indicated that less than half of the staff (40 %) considered that they worked more efficiently when teleworking than when on the premises for drafting tasks, 37 % reported no difference. For tasks requiring interaction with colleagues or for training, only a few respondents indicated that they preferred doing these from home. The Parliament and the Commission did not carry out any such survey before reviewing their teleworking rules. The Parliament was still assessing the efficiency of extended telework at the time of the audit, while the Commission was finalising its own new set of rules (see [Box 5](#)). The Council's teleworking rules had been just adopted when COVID-19 started to spread and the institution did not see the need to revise them. None of the audited institutions offered full-time telework to their staff (see [Annex III](#)).

Box 5**Extension of telework in the institutions**

In September 2021, the Parliament introduced new rules allowing staff to telework for one, two or three days per week. At the conclusion of the audit, approval of telework for more than one day per week was limited to a six-month period in some services, reflecting a need to assess the efficiency of these working arrangements in non-COVID-19 circumstances.

The Council's telework rules have only been tested for a short period in normal circumstances. These rules allowed staff to telework for up to 80 % of the working time and at the conclusion of the audit, there was no immediate plan for them to be adjusted.

The Commission ultimately plans to offer its staff the opportunity to telework for up to 60 % of working time.

The CJEU, in line with the survey conducted, opted in September 2021 for a task-based approach to telework, leaving the implementation to managers, based on their needs and the tasks to be carried out by staff.

79 Telework from outside of the place of employment, which had been allowed, or extended, as part of the duty of care measures (see paragraph **39**), would still be possible, in a limited form, under the post-COVID-19 rules in some institutions (see *Annex III*). While this measure is principally a response to requests from staff, the institutions have not assessed the efficiency of continuing this measure.

The budgetary and environmental impacts of the new working arrangements are not consistently evaluated across the institutions

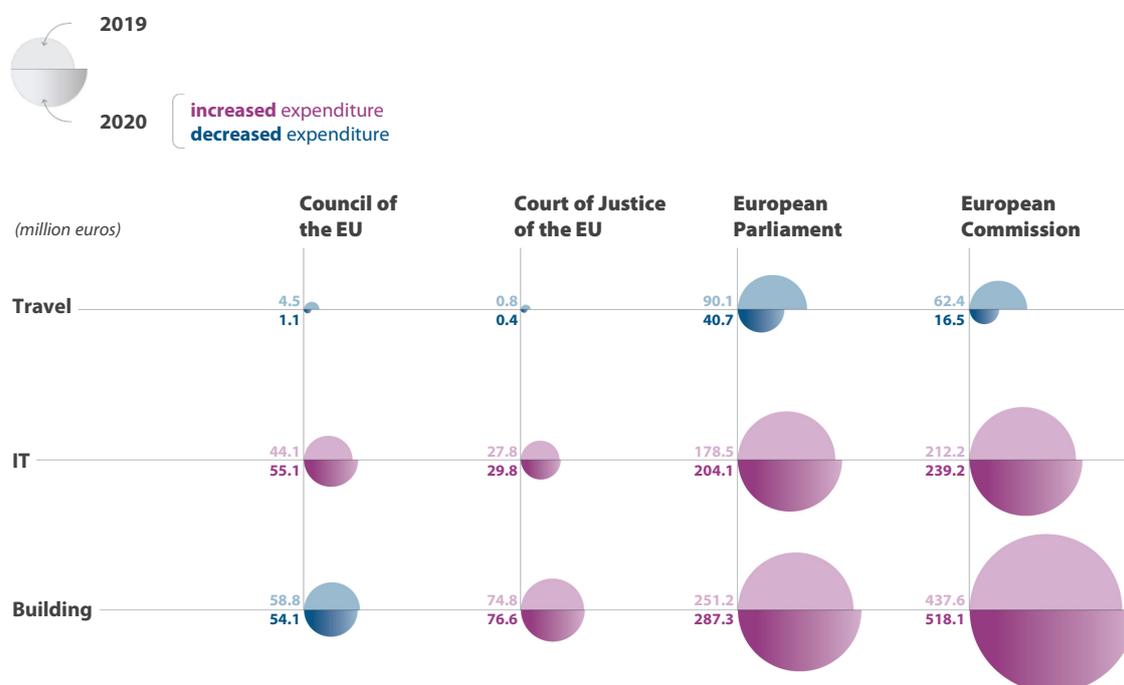
80 In recent years, the EU institutions have tried to limit their administrative expenditure and make savings through more efficient ways of working¹⁶. Besides telework and IT mobility, the pre-COVID-19 plans for the new ways of working covered new office set-up, the introduction of collaborative spaces and a reduction in the number of individual offices. These offer additional opportunities for savings, as well as a reduction in the institutions' carbon footprint.

¹⁶ [Special report 15/2019](#): "Implementation of the 2014 staff reform package at the Commission".

81 The changes to the ways of working during the COVID-19 crisis had a mixed impact on the administrative expenditure of the institutions (see [Figure 4](#)).

- Expenses linked to travel diminished significantly.
- IT expenditure increased because of the additional investments needed to support telework. The size of the increase was a function of the investment needed in each institution (mainly equipment, or development of new videoconferencing solutions).
- Buildings expenditure was lower on some items (security, utilities) because the buildings were mainly empty, but higher in others (cleaning) due to the COVID-19 protocols. Construction work (Parliament, Commission) continued, but sometimes with redesigned plans due to the expected impact of the new ways of working. Some institutions used leftover money from underused budget lines to purchase buildings they were using (Parliament) or to make advance repayments on loans (CJEU).

Figure 4 – Impact of COVID-19 on buildings, IT and travel expenditure in the institutions (in million euros)



Source: ECA based on 2020 budget implementation presented in the 2022 EU budget. Travel expenditure covers staff and members. Building acquisitions by the Parliament in 2021 on carry-over credits from 2020 is not included.

82 The audited institutions reported on the savings made as a consequence of the COVID-19 crisis in their 2020 annual activity reports. However since these relate mainly

to buildings and travel, which taken together represent around 10 % of the administrative expenditure heading in the EU budget, the resulting impact on administrative costs was limited. The institutions have not yet put forward proposals on how these savings can be translated into more permanent ones with the extension of the new ways of working.

The extension of remote meetings brings potential savings on travel expenditure

83 The Parliament intends to keep using remote interpretation, which will reduce the need for interpreters to travel (see paragraph 74). The potential savings from this decision have not been assessed by the Parliament, and in its 2022 budget, the institution was not planning for a significant reduction in travel expenditure compared to the pre-COVID-19 budget for 2020. In addition to interpreters, the progress made in videoconferencing could also allow the institution to reduce the number of support staff travelling to Strasbourg for the plenary, opening the possibility of further savings. The latest analysis of the cost linked to travel for the plenary is from 2013. At the time, interpreters' missions to Strasbourg cost €3.1 million per year (12 % of the total travel expenses to Strasbourg), and other staff members' missions cost €12.3 million per year¹⁷.

84 Travel is not a significant expenditure for the Council, and is linked to its political core activity more than to support tasks. The institution intends to keep remote informal meetings as part of its normal way of working (see paragraph 75). The new ways of working are expected to have some impact on its travel expenditure, but their extent has not been assessed yet.

85 The Commission, in line with its Greening strategy, intends to capitalise on the new ways of working and is encouraging its staff to travel only when remote meetings are not suitable. In budgetary terms, the overall budget for missions (staff and Commissioners) for 2022 has been reduced by 22 % compared to 2019.

86 The CJEU's expenditure on travel is very low. The institution is nevertheless planning for a reduction of 17 % in 2022 compared to 2019.

¹⁷ Analysis of potential savings to the EU budget if the European Parliament centralised its operations.

Except for the Commission, the institutions have not decided on significant changes to their building strategies

87 The ownership structure for the institutions' buildings varies according to the institution and the location¹⁸. Depending on whether the institutions own or rent their buildings, they do not have the same financial constraints or the same incentives to reduce office space to achieve savings. Telework impacts the average occupancy rate of premises. The increased use of teleworking after the pandemic could further reduce the average occupied office area in the institutions.

88 The Parliament owns most of its buildings. It adopted its current building strategy in 2018. The institution has not taken a decision about reducing its office space in Brussels, but as part of its policy to consolidate ownership of its buildings, it acquired (for €74.9 million) a building it was previously renting close to its central premises, using leftover funds from the 2020 budget. In Luxembourg, the plans for the construction of the KAD II building were further amended, in part to take into account the changes in working practices. The Parliament decided not to go ahead with some parts of the project, whose cost was estimated by the Parliament at €18.6 million (4 % of the total cost).

89 The Council owns all of its office accommodation. At the time of our audit, the Council was reflecting on a new building strategy.

90 The Commission's office structure is more diverse than that of the other institutions, with buildings that are owned, rented and under long-term lease. It is also the institution with the largest property portfolio and as such it has more opportunities for savings. The introduction of new ways of working at the Commission predates the COVID-19 crisis and the institution has decided to further develop the concept as a consequence of the crisis. The Commission's 2022-2030 buildings strategy for Brussels plans for a 25 % reduction in the office building space occupied by 2030, and a one-third reduction in expenditure (€73.1 million in total between 2021 and 2030). These plans are based on the assumptions that a minimum of 20 % of staff will be teleworking, and that activity-based shared spaces will gradually replace individual offices. No major reduction in office space has been decided yet for the Commission's premises in Luxembourg, but its local building strategy plans for activity-based spaces.

¹⁸ [Special report 34/2018: "Office accommodation of EU institutions"](#).

91 The CJEU's policy is to acquire the buildings it is using. The teleworking rules adopted in July 2021 will allow telework to be used more widely than before, but at the time of the audit, the institution was not planning to review its building strategy in the short-term, preferring to wait a few years to assess the needs brought about by the new ways of working.

Opportunities in terms of environmental impact have not been clearly identified

92 Changes to travel arrangements and buildings set-up, as well as the extension of telework, offer the audited institutions opportunities to reduce their environmental impact. All are aware of this, but have moved at a different pace in reflecting it in their environmental strategies.

93 The Parliament adopted at the end of 2019 a series of environmental indicators to monitor its environmental performance. In the following mid-term assessment (December 2020), the impact of the new ways of working introduced during the pandemic was presented, with scenarios on how the institution could capitalise on them, in particular to reduce its transport-related emissions. The core objective of the Commission's Greening strategy is to achieve climate neutrality by 2030, by reducing its office space, using low-energy buildings, improving its energy efficiency (technical improvement and behavioural changes), and reducing its emissions from travel. To implement this last point, the Commission has introduced an emissions calculator in the platform it uses for managing professional travel.

Conclusions and recommendations

94 We conclude that the EU institutions have demonstrated their resilience in the face of the COVID-19 pandemic. Their response was rapid and flexible, and benefited from previous investments in digitalisation. However, they have not yet fully evaluated the extent to which the new ways of working introduced in response to COVID-19 are likely to be efficient or bring savings in the post-crisis environment.

95 We found that the institutions' business continuity plans before the start of the COVID-19 crisis followed established standards. However, they were designed to deal with short-term high impact events, not the long-term disruption that COVID-19 has caused (paragraphs [14-19](#)).

96 The COVID-19 crisis did not follow the pattern of the disruptions envisaged in the institutions' business continuity plans. The institutions kept the part of their business continuity plans that were relevant and adapted them to the specificities of COVID-19 to organise their response over a short period in time. There was no forum defined in their continuity plans for the institutions to consult each other quickly on the decisions they were taking to respond to the crisis. To ensure some coherence in the measures they were implementing, the institutions built on existing structures to share information, and managed to limit divergence in their responses. Their autonomy, different roles and the various national rules they had to take into account limited their ability to have an identical response (paragraphs [20-27](#)).

Recommendation 1 – Include long-term disruptions and interinstitutional cooperation in the business continuity plans

The institutions should build on the experience of their response to the COVID-19 crisis and include measures related to long-term disruptions in their business continuity plans. Arrangements for interinstitutional cooperation in case of events impacting all institutions should also be part of the business continuity plans.

Target implementation date: Q1 2023

97 We found that the institutions' flexible response to the crisis enabled them to minimise disruption. They adapted their rules of procedure when needed, showed flexibility in adjusting the ways of working to be able to carry out their core activities, and continued fulfilling the roles assigned to them under the Treaties. They managed to adopt important policy initiatives as well as the multiannual financial framework for

2021-2027, and continued issuing judgments on a level similar to that of pre-COVID-19 years (paragraphs [28-38](#)).

98 The institutions took measures to preserve the health of their staff and maintain business continuity. They followed the medical advice provided by the interinstitutional medical board and matched – or went beyond – the minimum required by the national legislation of their host countries. The measures introduced to support staff (equipment, training, social measures) were effective in maintaining performance during the crisis (paragraphs [39-48](#)).

99 At the start of the crisis, the institutions had different levels of equipment to allow their staff to work remotely, but each of them managed to equip all their staff with teleworking solutions within six weeks (paragraphs [49-54](#)). The institutions made good use of collaboration tools. Specific needs, issues of data protection, security, and confidentiality led the institutions to deploy these tools at different speeds, and to choose different providers (paragraphs [55-62](#)). The working arrangements put in place during the COVID-19 crisis increased the need for paperless workflows in the EU institutions. The digitalisation of workflows progressed, but its implementation along with solutions such as e-invoicing and qualified electronic signature was uneven between institutions. Despite the improvements made, administrative services have not yet been fully digitalised. For e-invoices in particular, not all institutions monitor or encourage their use internally (paragraphs [63-67](#)).

Recommendation 2 – Further develop the digitalisation of administrative services

The institutions should build on the experience of their response to the COVID-19 crisis and further digitalise their administrative services by:

- (a) advancing the rollout of paperless workflows and extending the use of electronic signature, including qualified electronic signatures;
- (b) monitoring and extending the use of electronic invoices.

Target implementation date: Q4 2023

100 The institutions started their lessons learned exercises early in the crisis and continued reflecting on the post-COVID-19 environment throughout the crisis (paragraphs [68-71](#)). We found that all the audited institutions, which had introduced remote ways of carrying out their core activities, reached a similar conclusion: remote

meetings are a back-up solution in times of disruption or emergency and can be useful for certain purposes such as urgent consultations, and information exchanges, but they cannot replace in-person meetings for core activities in the long term (paragraphs 72-76). The institutions have increased the possibilities for telework in the rules they devised for their post-COVID-19 environment. While a high level of telework has proven its usefulness in a crisis situation, its efficiency compared to the pre-COVID-19 working arrangements has not always been assessed for non-crisis circumstances (paragraphs 77-79).

101 The COVID-19 crisis has had a limited short-term financial impact for the institutions, because the savings made in some areas of expenditure, such as travel, were used to finance investments in IT. The changes in working arrangements were accelerated by the crisis, and all institutions expect travel and buildings management to be different after COVID-19. They have not, however, consistently evaluated the potential savings resulting from the new ways of working. Similarly, the institutions have not yet consistently assessed the impact of the new ways of working on their environmental policies (paragraphs 80-93).

Recommendation 3 – Assess the suitability of new ways of working in the post-COVID-19 environment

In their assessment of the new ways of working in the post-COVID-19 environment, the institutions should:

- (a) assess the suitability of fully remote and hybrid meetings compared to physical ones, and adopt guidelines on remote settings depending on the activity;
- (b) assess the impact of telework and adapt the post-COVID-19 rules if needed;
- (c) monitor and report on the budgetary impact of the new ways of working, in particular for buildings;
- (d) monitor and report on the environmental impact of the new ways of working.

Based on these assessments, the institutions should decide on possible changes to their new working arrangements.

Target implementation date: Q2 2024

This Report was adopted by Chamber V, headed by Mr Tony Murphy, Member of the Court of Auditors, in Luxembourg on 14 June 2022.

For the Court of Auditors

Klaus-Heiner Lehne
President

Annexes

Annex I – Impact of COVID-19 on the audited institutions' activities

The following tables show the impact the COVID-19 crisis had on the audited institutions' core activities.

Table 1 – Parliamentary activity in figures 2018-2021

	Number of plenary sessions		Average duration of a plenary session hours	Number of votes	
	part-sessions <i>(four-day part-sessions normally held in Strasbourg)</i>	mini-sessions <i>(the two-day part-sessions held in Brussels)</i>		legislative texts	non-legislative texts
2018 (full year)	12	3	32h08	258	301
2019 (full year)	11	5	24h09	364	182
2020 (full year)*	11	6	15h29	202	182
2021 (up to 11.2021)	10	2	28h24	185	224

Source: EP data (DG PRES and DG IPOL). *ECA calculation.

Table 2 – Council activity in figures (2018-2020)

Meeting	2018	2019	2020		
			Total	Physical	Videoconference
Summits	15	17	23	15	8
Councils	75	80	116	31	85
Coreper	117	124	154	152	0
Coreper Art. 50 (Brexit)	29	28	3	3	0
Working groups	4 304	3 706	2 790	1 538	1 252
Working group Art. 50 (Brexit)	61	28	0	0	0
Total	4 601	3 983	3 086	1 739	1 345

Source: ECA based on DG ORG 2020 Annual activity report.

Table 3 – Commission activity in figures (2018-2021)

	2018	2019	2020	2021
Total number of acts adopted	9 668	9 255	9 706	10 163
<i>Of which related to the COVID-19 crisis</i>	N/A		1 372 (14.1 %)	1 102 (10.8 %)

Source: ECA based on Commission's data.

Table 4 – Judicial activity in figures 2017-2021

	2017	2018	2019	2017-2019 average	2020	2021
Cases introduced (both jurisdictions)	1 656	1 683	1 905	1 748	1 582	1 720
Hearings organised (Court of Justice)	263	295	270	276	157	107
Hearings organised (General Court)	333	333	255	307	227	240
Cases closed (both jurisdictions)	1 594	1 769	1 739	1 701	1 540	1 723
Cases closed (Court of Justice)	699	760	865	775	792	772
Cases closed (General Court)	895	1 009	874	926	748	951
Pending cases (Court of Justice)	912	1 001	1 102	1 005	1 045	1 113
Pending cases (General Court)	1 508	1 333	1 398	1 413	1 497	1 428
Average duration of procedures (Court of Justice)	16.40 months	15.70 months	14.40 months	15.50 months	15.40 months	16.60 months
Average duration of procedures (General Court)	16.30 months	20.00 months	16.90 months	19.00 months	15.40 months	17.30 months

Source: ECA based on CJEU Annual activity reports for 2017 to 2020, and replies to the ECA questionnaire.

Annex II – Measures put in place to support staff teleworking during the COVID-19 crisis until the end of 2021

Measure	Parliament	Council	Commission	CJEU
Additional IT equipment	Yes 2 326 screens, 2 069 keyboards and 1 968 mice (as of November 2020).	Yes Home office package (screen, keyboard, docking station) distributed from November 2020.	Yes November 2020: reimbursement of screens (up to €150) June 2021: IT packs (docking stations, keyboards, mice).	Yes Around 1 000 IT packs (screen, keyboard, docking station) distributed from May 2021.
Additional equipment (furniture)	Yes 378 ergonomic chairs distributed (as of November 2020).	No	Yes From November 2020: reimbursement of chairs (up to €200).	Yes Around 600 office chairs distributed in March 2021.
Payment of communication costs	Yes €40 per month	No	No	No
Telework from outside the place of employment	In duly justified circumstances (family, health), as part-time with the suspension of the expatriation/foreign residence allowances. Terminated on 31.12.2021.	Provided it was authorised by management and compatible with the interest of the service. Standard rules allow for 160 days over a career plus 5 days/year.	In duly justified circumstances (family, health). In addition to the above: 2020: 10 days connected with Christmas holidays. 2021: 10 days connected with at least 5 days of holidays.	In duly justified circumstances (family, health) and during holidays (Easter, Christmas, summer). After September 2021: Only in duly justified circumstances.

Source: ECA based on information from the institutions.

Annex III – The audited institutions' post-COVID-19 telework arrangements

Parliament	Council	Commission	CJEU
<p>Rules in force since September 2021.</p> <p>Staff can telework, as a percentage of their working time:</p> <ul style="list-style-type: none"> ○ 20 % (as a right, with no need for manager's approval); ○ 40 % (subject to manager's approval); ○ 60 % (subject to manager's approval). <p>Approval is given for six months or a year, and is renewable.</p> <p>Telework from outside the place of employment is not allowed.</p>	<p>Rules in force since February 2020.</p> <p>Staff can telework up to 80 % of their time.</p> <p>Telework from outside the place of employment is allowed, up to five days per year, and an additional 160 days over the staff member's career, subject to manager's approval.</p>	<p>Rules adopted in March 2022.</p> <p>Staff can telework as a right 20 % of their time.</p> <p>Maximum telework allowed, subject to manager's approval is 60 %.</p> <p>Telework from outside the place of employment is allowed for up to 10 days a year, linked to at least five days of leave, and is subject to manager's approval.</p> <p>In exceptional circumstances, the Commission's Directorate-General for Human Resources can grant an authorisation for one month, after consulting the staff's line manager, which is renewable under the same conditions.</p>	<p>Rules adopted in July 2021, in force from Q2 2022.</p> <p>Telework is allowed in all services.</p> <p>Exact modalities (tasks, minimum presence on premises, maximum duration of the authorisation to telework) are defined by the senior management in each service.</p> <p>Telework is subject to manager's approval.</p> <p>Telework from outside of the place of employment is allowed, subject to manager's approval, if justified, for a limited period, and if compatible with the interest of service.</p>

Source: ECA based on information from the institutions.

Abbreviations

BCP: Business continuity plan

CJEU: Court of Justice of the European Union

Coreper: Committee of the Permanent Representatives of the Governments of the EU Member States

CPQS: *Comité préparatoire des questions statutaires* (preparatory committee on questions relating to the Staff Regulations)

EDPS: European Data Protection Supervisor

EFTA: European Free Trade Association

IMB: Interinstitutional Medical Board

MEP: Member of the European Parliament

MFF: Multiannual financial framework

NGEU: NextGenerationEU

VDI: Virtual desktop infrastructure

VPN: Virtual private network

WHO: World Health Organization

Glossary

Cloud computing: The remote processing and storage of data through the internet.

Coreper: Committee of Member State representatives responsible for preparing the work of the Council of the European Union.

e-invoice: Invoice that is issued, sent and received in a structured electronic format which allows automatic processing.

Member of the EU institutions: Person who has been either appointed or elected to an EU institution's decision-making body.

Qualified electronic signature: An electronic signature that in EU law, has the same legal effect as a handwritten signature, with no possibility of repudiation.

Virtual desktop infrastructure: Desktop environment hosted on a central server and made available to PCs and other devices.

Virtual private network: System allowing users to access a secure network remotely via the internet.

Replies of the institutions

<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=61688>

Timeline

<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=61688>

Audit team

The ECA's special reports set out the results of its audits of EU policies and programmes, or of management-related topics from specific budgetary areas. The ECA selects and designs these audit tasks to be of maximum impact by considering the risks to performance or compliance, the level of income or spending involved, forthcoming developments and political and public interest.

This performance audit was carried out by Audit Chamber V Financing and administering the Union, headed by ECA Member Tony Murphy. The audit was led by ECA Member Marek Opioła, supported by Kinga Wisniewska-Danek, Head of Private Office and Bernard Witkos, Private Office Attaché; Colm Friel, Principal Manager; Marion Kilhoffer, Head of Task; Andreas Dürrwanger, Tomasz Kokot and Nikolaos Kylonis, Auditors. Jesús Nieto Muñoz and Alexandra Mazilu provided graphical support. Richard Moore provided linguistic support.



From left to right: Nikolaos Kylonis, Jesús Nieto Muñoz, Marion Kilhoffer, Marek Opioła, Kinga Wisniewska-Danek, Tomasz Kokot, Colm Friel.

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This audit assessed the resilience of the EU institutions when faced with COVID-19: how they coped with the pandemic, and what lessons they have drawn. We concluded that although the institutions' business continuity plans were designed for short-term disruptions, and they had different levels of preparedness, the institutions demonstrated their resilience in the face of the COVID-19 crisis thanks to their rapid and flexible response, and previous investments in digitalisation. However, they need to better evaluate the new ways of working introduced in response to COVID-19 in a post-crisis environment. We recommend that the institutions include long-term disruption in their business continuity plans; further develop the digitalisation of administrative services; and assess the suitability of new ways of working in the post-COVID-19 environment.

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