



2.3.2018

AMENDMENTS

1 - 20

Draft report

Bart Staes

2016 discharge: European Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)
(2017/2178(DEC))

Amendment 1
Monica Macovei

Proposal for a decision 1
Paragraph 1

Proposal for a decision

1. Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016 / ***Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;***

Amendment

1. Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;

Or. en

Amendment 2
Bart Staes
on behalf of the Verts/ALE Group

Proposal for a decision 1
Paragraph 1

Proposal for a decision

1. Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016 / ***Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;***

Amendment

1. Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;

Amendment 3

Ryszard Czarnecki, Notis Marias, Beata Gosiewska, Richard Sulík, Raffaele Fitto

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016*** / Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;

Amendment

1. Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;

Or. en

Amendment 4

Dennis de Jong

Proposal for a decision 1

Paragraph 1

Proposal for a decision

1. ***Grants the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016*** / Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of

Amendment

1. Postpones its decision on granting the Executive Director of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice discharge in respect of the implementation of the Agency's budget for the financial year 2016;

the implementation of the Agency's budget for the financial year 2016;

Or. en

Amendment 5

Bart Staes

on behalf of the Verts/ALE Group

Proposal for a decision 2

Paragraph 1

Proposal for a decision

1. Approves the closure of the accounts of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice for the financial year 2016 / *Postpones the closure of the accounts of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice for the financial year 2016;*

Amendment

1. Approves the closure of the accounts of the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice for the financial year 2016;

Or. en

Amendment 6

Petri Sarvamaa

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Notes with concern the number of outstanding issues and ongoing corrective measures in response to the Court's comments in 2013 and 2015 related to a framework contract for the procurement of services and to the relation between the Agency and Schengen associated countries;

Amendment

1. Notes with concern the number of outstanding issues and ongoing corrective measures in response to the Court's comments in 2013 and 2015 related to a framework contract for the procurement of services and to the relation between the Agency and Schengen associated countries; *urges the Agency to take corrective actions without further delay;*

Or. en

Amendment 7
Petri Sarvamaa

Motion for a resolution
Paragraph 2

Motion for a resolution

2. *Notes from the Court's report* that the Agency received and accepted supplies amounting to EUR 2 800 000 without having budget and legal commitments (contracts) in place; notes that these were made retroactively in order to regularise the purchases; notes moreover from the Agency's reply that the purchases were made in this way in order to deal with urgent operational requirements and also in response to rapidly growing storage needs required by Member States; calls on the Agency to significantly improve budget planning and budget implementation; is of the opinion that the growing storage needs of Member States was *foreseeable* by the Agency; is of the opinion that the Union's public procurement rules allow for an urgent procedure and thus that retroactive signing of contracts for an urgent purchase is not in accordance with Union law;

Amendment

2. *Condemns the fact* that the Agency received and accepted supplies amounting to EUR 2 800 000 without having budget and legal commitments (contracts) in place; notes that these were made retroactively in order to regularise the purchases; notes moreover from the Agency's reply that the purchases were made in this way in order to deal with urgent operational requirements and also in response to rapidly growing storage needs required by Member States; calls on the Agency to significantly improve budget planning and budget implementation; is of the opinion that the growing storage needs of Member States was *foreseeable* by the Agency; is of the opinion that the Union's public procurement rules allow for an urgent procedure and thus that retroactive signing of contracts for an urgent purchase is not in accordance with Union law;

Or. en

Amendment 8
Petri Sarvamaa

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Notes that the Agency signed a construction contract for its premises in Strasbourg with a value of EUR 21 500 000 in June 2015; notes moreover that stage payments were agreed as the main payment method; notes that the Agency amended the contract in July 2015 to make

Amendment

4. Notes that the Agency signed a construction contract for its premises in Strasbourg with a value of EUR 21 500 000 in June 2015; notes moreover that stage payments were agreed as the main payment method; notes *with concern* that the Agency amended the contract in July

advance payments the default method to increase budget consumption; is concerned that by November 2016 the Agency had paid the full contract amount although less than half of the work had been completed; notes from the Agency's reply that the pre-financing payments were associated with a matching financial guarantee and a 5% performance guarantee; calls on the Agency to report to the discharge authority on the implementation of this contract;

2015 to make advance payments the default method to increase budget consumption; is **gravely** concerned that by November 2016 the Agency had paid the full contract amount although less than half of the work had been completed; notes from the Agency's reply that the pre-financing payments were associated with a matching financial guarantee and a 5% performance guarantee; calls on the Agency to report to the discharge authority on the implementation of this contract;

Or. en

Amendment 9
Monica Macovei, Dennis de Jong

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Notes from the Agency's reply that carry-overs for Title I and II appropriations are constantly revised and planned with the objective of reducing them over time to the strict and necessary minimum, and that of the EUR 19,5 million non-differentiated appropriations carried over to 2016, only EUR 474 000 were cancelled, representing 2,42 %;

Or. en

Amendment 10
Monica Macovei

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Notes that the Court identified procurements where the Agency did not check for the most economical solution by not checking that the framework contractor

7. Notes that the Court identified procurements where the Agency did not check for the most economical solution by not checking that the framework contractor

had found the best price; calls on the Agency to take the principle of economy and cost-effectiveness seriously and carry out all relevant measures in order to avoid this situation happening again;

had found the best price; calls on the Agency to take the principle of economy and cost-effectiveness seriously and carry out all relevant measures in order to avoid this situation happening again; *notes from the Agency's reply that Went Computing Consultancy Group ('WCC') is the owner of intellectual property rights of the Elise search engine, and thus any other vendor would be in fact a sub-contractor of WCC, therefore not in position to offer better value for money;*

Or. en

Amendment 11
Petri Sarvamaa

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Notes that the Court identified procurements where the Agency did not check for the most economical solution by not checking that the framework contractor had found the best price; calls on the Agency to take the principle of economy and cost-effectiveness seriously and carry out all relevant measures in order to avoid this situation happening again;

Amendment

7. Notes *with concern* that the Court identified procurements where the Agency did not check for the most economical solution by not checking that the framework contractor had found the best price; calls on the Agency to take the principle of economy and cost-effectiveness seriously and carry out all relevant measures in order to avoid this situation happening again;

Or. en

Amendment 12
Monica Macovei

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that in May 2016 the Agency signed a framework contract for EUR 194 000 000 with a consortium for the further

Amendment

8. Notes that in May 2016 the Agency signed a framework contract for EUR 194 000 000 with a consortium for the further

development and maintenance of the Visa Information System and of the Biometrics Matching System for a maximum period of six years; notes that the contract was awarded through a public procurement procedure; notes also that one main requirement for tenderers to be accepted was having commercial access to the BMS technology; expresses its concern, as to a potential risk for the competitiveness of the procedure; notes from the Agency's reply that the acquisition of permanent licences is linked to their subsequent maintenance and resulted in significant savings in the long term, estimated at EUR 402 243,22 over a four year period;

development and maintenance of the Visa Information System and of the Biometrics Matching System for a maximum period of six years; notes that the contract was awarded through a public procurement procedure; notes also that one main requirement for tenderers to be accepted was having commercial access to the BMS technology; expresses its concern, as to a potential risk for the competitiveness of the procedure; notes from the Agency's reply that the acquisition of permanent licences is linked to their subsequent maintenance and resulted in significant savings in the long term, estimated at EUR 402 243,22 over a four year period; ***notes that Article I.19.1 of the framework contract special conditions foresees the 'most favoured customer' clause, further protecting the financial interest of the Agency when sourcing hardware or software from the contractor;***

Or. en

Amendment 13
Monica Macovei, Dennis de Jong

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Observes with concern that the growing operational risk facing the Agency's operations is related to understaffing of the Agency so that while tasks allocated to it continuously increase, the staffing levels have been reduced as a result of the requirement to reduce staff by 5%; observes that there are a number of functions in the Agency which are either understaffed or have no embedded business continuity (only one staff member performs the tasks and holds the know-how on operations);

Amendment

10. Observes with concern that the growing operational risk facing the Agency's operations is related to understaffing of the Agency so that while tasks allocated to it continuously increase, the staffing levels have been reduced as a result of the requirement to reduce staff by 5%; observes that there are a number of functions in the Agency which are either understaffed or have no embedded business continuity (only one staff member performs the tasks and holds the know-how on operations); ***notes with concern that reducing staff and outsourcing work increase the risks for 'revolving doors' and information leaks; notes with***

satisfaction that the Agency has published the general principles regarding obligations after leaving service in its code of ethical behaviour and conduct;

Or. en

Amendment 14
Petri Sarvamaa

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Observes **with concern** that the Agency is increasingly dependent on external staff, who are more expensive to employ than internal staff and present inherent risks with regards to retention of knowledge and capabilities in the Agency and the sustainability of its operations;

Amendment

11. Observes that the Agency is increasingly dependent on external staff, who are **often** more expensive to employ than internal staff and **may** present inherent risks with regards to retention of knowledge and capabilities in the Agency and the sustainability of its operations;

Or. en

Amendment 15
Petri Sarvamaa

Motion for a resolution
Paragraph 12

Motion for a resolution

12. **Regrets** the lack of gender balance among posts occupied on 31 December 2016, given that the ratio **is** 28% female to 72% male member of staff; calls on the Agency to pay greater attention to the gender balance of staff **and take it into account in future recruitment**;

Amendment

12. **Notes with concern** the lack of gender balance among posts occupied on 31 December 2016, given that the ratio **was** 28% female to 72% male member of staff; **regrets that the Management Board is even more imbalanced with a ratio of 11 % and 89 %**; calls on the Agency to pay greater attention to the gender balance of **its** staff;

Or. en

Amendment 16
Petri Sarvamaa

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Observes *with some concern* that in 2016, the Agency's staff was on average on sick leave 10,7 days; notes from the Agency's replies that the number of days spent per staff member on well-being activities in 2016 was between two and three; notes that the Agency organised different team building activities with more days allocated to operational staff and less to administrative staff; calls on the Agency to consult the medical service on how to lower the absence from work due to sick leave;

Amendment

14. Observes that in 2016, the Agency's staff was on average on sick leave 10,7 days; notes from the Agency's replies that the number of days spent per staff member on well-being activities in 2016 was between two and three; notes that the Agency organised different team building activities with more days allocated to operational staff and less to administrative staff; calls on the Agency to consult the medical service on how to lower the absence from work due to sick leave;

Or. en

Amendment 17
Monica Macovei, Dennis de Jong, Petri Sarvamaa, Patricija Šulin, Tomáš Zdechovský

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that the Management Committee of the Agency has approved its Guidelines on Whistleblowing on 23 May 2016 and that the European Anti-Fraud Office (OLAF) gave a positive opinion on the text; notes, however, that the Directorate-General for Human Resources of the Commission was not in favour of it and informed the Agency that the Commission is working on new guidelines; notes that in the meantime the Agency has published the general principles relevant for whistleblowing in its code of conduct published on its website;

Amendment

17. Notes that the Management Committee of the Agency has approved its Guidelines on Whistleblowing on 23 May 2016 and that the European Anti-Fraud Office (OLAF) gave a positive opinion on the text; notes, however, that the Directorate-General for Human Resources of the Commission was not in favour of it and informed the Agency that the Commission is working on new guidelines; notes *with satisfaction* that in the meantime the Agency has published the general principles relevant for whistleblowing in its code of conduct published on its website; *reiterates that transparency is a key issue for creating and maintaining a trusting relationship*

between the citizens, the Union and its institutions;

Or. en

Amendment 18

Monica Macovei, Ryszard Czarnecki, Dennis de Jong, Richard Sulík

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Notes that all members of the management board are obliged to issue an annual public statement of interest in writing, which is published on the Agency's website; notes that the CV of the executive director and the chairperson of the management board are also published and kept up to date; notes that the Agency is preparing new rules on the prevention and management of conflicts of interest; calls on the Agency to report to the discharge authority on *their adoption and implementation*;

Amendment

18. Notes that all members of the management board are obliged to issue an annual public statement of interest in writing, which is published on the Agency's website; notes that the CV of the executive director and the chairperson of the management board are also published and kept up to date; notes that the Agency is preparing new rules on the prevention and management of conflicts of interest; ***regrets that the members of the Management Board and of the Advisory Group have published declarations of 'absence of conflict of interest' and not declarations of interest, while it is not for the members to declare themselves out of conflict of interest, but to ensure independent verification of the declarations of interest, by third parties; calls on the members of the Management Board and of the Advisory Group to publish declarations of interest listing their membership in any other organisation***; calls on the Agency to report to the discharge authority on ***this matter by the end of July 2018***;

Or. en

Amendment 19

Petri Sarvamaa

Motion for a resolution

Paragraph 21

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Motion for a resolution

21. Notes that in 2016 the Agency received eleven requests for access to documents to which the Agency granted a full access in nine cases, while for two requests the access was refused on grounds of protecting commercial interests and protecting the purpose of inspections, investigations and audits; expects the Agency, when deciding on limiting the access to documents to protect commercial interests, also to consider with *utmost* seriousness citizens' interests and the Union's commitment to greater transparency;

Amendment

21. Notes that in 2016 the Agency received eleven requests for access to documents to which the Agency granted a full access in nine cases, while for two requests the access was refused on grounds of protecting commercial interests and protecting the purpose of inspections, investigations and audits; expects the Agency, when deciding on limiting the access to documents to protect commercial interests, also to consider with seriousness citizens' interests and the Union's commitment to greater transparency, *while taking into account all relevant rules and regulations*;

Or. en

Amendment 20
Petri Sarvamaa

Motion for a resolution
Subheading 7

Motion for a resolution

Performance-based budgeting

Amendment

Main achievements

Or. en