



**2017/0145(COD)**

7.11.2017

# **AMENDMENTS**

## **52 - 176**

### **Draft report**

**Monica Macovei**

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

Proposal for a regulation

(COM(2017)0352 – C8-0216/2017 – 2017/0145(COD))



## **Amendment 52**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Lorenzo Fontana**  
on behalf of the ENF Group

### **Proposal for a regulation**

—

*Proposal for rejection*

***The European Parliament rejects [the Commission proposal].***

Or. en

### *Justification*

*The ENF strongly rejects the Commission proposal as it is the exclusive right of any Nation State to ensure, manage and control their own justice system and national security, including their border management and national security systems. Uni.- or multilateral exchange of data can be done on a voluntary basis by the Nation States. Taking away these national prerogatives from Nation States is a violation of their sovereignty.*

## **Amendment 53**

**Barbara Kudrycka, Carlos Coelho**

### **Proposal for a regulation**

#### **Recital 5 – introductory part**

*Text proposed by the Commission*

(5) Since the Management Authority required legal, administrative and financial autonomy, it was established in the form of a regulatory agency (Agency) having legal personality. As was agreed, the seat of the Agency was established in Tallinn (Estonia). However, since the tasks relating to technical development and the preparation for the operational management of SIS and VIS were already being carried out in Strasbourg (France) and a backup site for those IT systems had been installed in Sankt Johann im Pongau (Austria) in line also with the locations of the SIS and VIS systems decided under the relevant legislative instruments, this should

*Amendment*

(5) Since the Management Authority required legal, administrative and financial autonomy, it was established in the form of a regulatory agency (Agency) having legal personality. As was agreed, the seat of the Agency was established in Tallinn (Estonia). However, since the tasks relating to technical development and the preparation for the operational management of SIS and VIS were already being carried out in Strasbourg (France) and a backup site for those IT systems had been installed in Sankt Johann im Pongau (Austria) in line also with the locations of the SIS and VIS systems decided under the relevant legislative instruments, this should

continue to be the case. Those two sites should also continue to be the locations, respectively, where the tasks relating to operational management of Eurodac should be carried out and where a backup site for Eurodac should be established. Those two sites should also be the locations, respectively, for the technical development and operational management of other large-scale IT systems in the area of freedom, security and justice, and, if so provided in the relevant legislative instrument, for a backup site capable of ensuring the operation of a large-scale IT system in the event of failure of that system. In order to maximise the possible use of the backup site, this site should also be able to operate systems simultaneously in an active mode provided that it remains capable of ensuring their operation in case of failure of the systems.

continue to be the case. Those two sites should also continue to be the locations, respectively, where the tasks relating to operational management of Eurodac should be carried out and where a backup site for Eurodac should be established. Those two sites should also be the locations, respectively, for the technical development and operational management of other large-scale IT systems in the area of freedom, security and justice, and, if so provided in the relevant legislative instrument, for a backup site capable of ensuring the operation of a large-scale IT system in the event of failure of that system, ***as long as their capacity allows it. In the case of insufficient capacity and after a proper assessment of needs, further technical sites may be established.*** In order to maximise the possible use of the backup site, this site should also be able to operate systems simultaneously in an active mode provided that it remains capable of ensuring their operation in case of failure of the systems.

Or. en

#### **Amendment 54** **Sophia in 't Veld**

#### **Proposal for a regulation** **Recital 5 – point 1**

##### *Text proposed by the Commission*

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the

##### *Amendment*

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the

system's go-live and it took up the tasks conferred on the Commission in relation to Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013. *The first evaluation of the Agency's work based on an independent external evaluation and carried out in 2015-2016, concluded that eu-LISA effectively ensures the operational management of the large-scale IT systems and other tasks entrusted to it but also that a number of changes to the establishing Regulation are necessary such as the transfer to the Agency of the communication infrastructure tasks retained by the Commission. Building on the external evaluation, the Commission took into account policy, legal and factual developments and proposed in particular in its Report on the functioning of the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>56</sup> that the mandate of the Agency should be extended to carry out the tasks derived from the adoption by the co-legislators of proposals entrusting new systems to the Agency, the tasks referred to in the Commission's Communication on Stronger and Smarter Information Systems for Borders and Security of 6 April 2016, the High Level Expert Group's final report of 11 May 2017 and in the Commission's Seventh progress report towards an effective and genuine Security Union of 16 May 2017, subject where required to the adoption of the relevant legislative instruments. In particular, the Agency should be tasked with the development of a European Search Portal, a shared biometric matching service and a Common Identity Repository, subject to the adoption of the relevant legislative instrument on interoperability. Where relevant, any actions carried out on interoperability should have to be guided by the Commission Communication on the*

system's go-live and it took up the tasks conferred on the Commission in relation to Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013.

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>56</sup> *COM(2017) 346, 29.6.2017.*

<sup>57</sup> *COM(2017) 134, 23.3.2017. Annex 2 of this Communication provides the general guidelines, recommendations and best practices for achieving interoperability or at least for creating the environment to achieve better interoperability when designing, implementing and managing European public services.*

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

Or. en

**Amendment 55**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 5 – point 1**

*Text proposed by the Commission*

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the system's go-live and it took up the tasks conferred on the Commission in relation to

*Amendment*

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the system's go-live and it took up the tasks conferred on the Commission in relation to

Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013. The first evaluation of the Agency's work based on an independent external evaluation and carried out in 2015-2016, concluded that eu-LISA effectively ensures the operational management of the large-scale IT systems and other tasks entrusted to it but also that a number of changes to the establishing Regulation are necessary such as the transfer to the Agency of the communication infrastructure tasks retained by the Commission. Building on the external evaluation, the Commission took into account policy, legal and factual developments and proposed in particular in its Report on the functioning of the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>56</sup> that the mandate of the Agency should be extended to carry out the tasks derived from the adoption by the co-legislators of proposals entrusting new systems to the Agency, *the tasks referred to in the Commission's Communication on Stronger and Smarter Information Systems for Borders and Security of 6 April 2016, the High Level Expert Group's final report of 11 May 2017 and in the Commission's Seventh progress report towards an effective and genuine Security Union of 16 May 2017, subject where required to the adoption of the relevant legislative instruments. In particular, the Agency should be tasked with the development of a European Search Portal, a shared biometric matching service and a Common Identity Repository, subject to the adoption of the relevant legislative instrument on interoperability. Where relevant, any actions carried out on interoperability should have to be guided by the Commission Communication on the European Interoperability Framework –*

Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013. The first evaluation of the Agency's work based on an independent external evaluation and carried out in 2015-2016, concluded that eu-LISA effectively ensures the operational management of the large-scale IT systems and other tasks entrusted to it but also that a number of changes to the establishing Regulation are necessary such as the transfer to the Agency of the communication infrastructure tasks retained by the Commission. Building on the external evaluation, the Commission took into account policy, legal and factual developments and proposed in particular in its Report on the functioning of the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>56</sup> that the mandate of the Agency should be extended to carry out the tasks derived from the adoption by the co-legislators of proposals entrusting new systems to the Agency.

## ***Implementation Strategy***<sup>57</sup>.

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>56</sup> COM(2017) 346, 29.6.2017.

<sup>57</sup> ***COM(2017) 134, 23.3.2017. Annex 2 of this Communication provides the general guidelines, recommendations and best practices for achieving interoperability or at least for creating the environment to achieve better interoperability when designing, implementing and managing European public services.***

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>56</sup> COM(2017) 346, 29.6.2017.

Or. fr

### ***Justification***

*The EDPS notes in Opinion 9/2017 that there is currently no legal framework for interoperability. Considering the risks posed to the right to privacy and the right to data protection, that interoperability cannot be introduced without a specific legal basis, comprising an impact assessment and a feasibility study.*

## **Amendment 56** **Jan Philipp Albrecht**

### **Proposal for a regulation** **Recital 5 – point 1**

#### ***Text proposed by the Commission***

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in

#### ***Amendment***

Since taking up its responsibilities on 1 December 2012, the Agency took over the tasks conferred on the Management Authority in relation to VIS by Regulation (EC) No 767/2008 and Council Decision 2008/633/JHA<sup>55</sup>. It took over the tasks conferred to the Management Authority in



relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the system's go-live and it took up the tasks conferred on the Commission in relation to Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013. The first evaluation of the Agency's work based on an independent external evaluation and carried out in 2015-2016, concluded that eu-LISA effectively ensures the operational management of the large-scale IT systems and other tasks entrusted to it but also that a number of changes to the establishing Regulation are necessary such as the transfer to the Agency of the communication infrastructure tasks retained by the Commission. Building on the external evaluation, the Commission took into account policy, legal and factual developments and proposed in particular in its Report on the functioning of the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>56</sup> that the mandate of the Agency should be extended to carry out the tasks derived from the adoption by the co-legislators of proposals entrusting new systems to the Agency, ***the tasks referred to in the Commission's Communication on Stronger and Smarter Information Systems for Borders and Security of 6 April 2016, the High Level Expert Group's final report of 11 May 2017 and in the Commission's Seventh progress report towards an effective and genuine Security Union of 16 May 2017, subject where required to the adoption of the relevant legislative instruments. In particular, the Agency should be tasked with the development of a European Search Portal, a shared biometric matching service and a Common Identity Repository, subject to the adoption of the relevant legislative instrument on interoperability. Where relevant, any***

relation to SIS II by Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA in April 2013 following the system's go-live and it took up the tasks conferred on the Commission in relation to Eurodac in accordance with Regulations (EC) No 2725/2000 and (EC) 407/2002 in June 2013. The first evaluation of the Agency's work based on an independent external evaluation and carried out in 2015-2016, concluded that eu-LISA effectively ensures the operational management of the large-scale IT systems and other tasks entrusted to it but also that a number of changes to the establishing Regulation are necessary such as the transfer to the Agency of the communication infrastructure tasks retained by the Commission. Building on the external evaluation, the Commission took into account policy, legal and factual developments and proposed in particular in its Report on the functioning of the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>56</sup> that the mandate of the Agency should be extended to carry out the tasks derived from the adoption by the co-legislators of proposals entrusting new systems to the Agency.

*actions carried out on interoperability should have to be guided by the Commission Communication on the European Interoperability Framework – Implementation Strategy.*<sup>57</sup>

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>56</sup> COM(2017) 346, 29.6.2017.

<sup>57</sup> *COM(2017) 134, 23.3.2017. Annex 2 of this Communication provides the general guidelines, recommendations and best practices for achieving interoperability or at least for creating the environment to achieve better interoperability when designing, implementing and managing European public services.*

---

<sup>55</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>56</sup> COM(2017) 346, 29.6.2017.

Or. en

#### *Justification*

*Following the EDPS Opinion: Interoperability should only be introduced after a proper legislative instrument has been adopted and the consequences have been thoroughly assessed.*

#### **Amendment 57**

**Barbara Kudrycka, Carlos Coelho**

#### **Proposal for a regulation**

#### **Recital 15**

##### *Text proposed by the Commission*

(15) Furthermore, the Agency could also be made responsible for the preparation, development and operational management of additional large-scale IT systems in application of Articles 67 to 89 of the

##### *Amendment*

(15) Furthermore, the Agency could also be made responsible for the preparation, development and operational management of additional large-scale IT systems in application of Articles 67 to 89 of the

Treaty on the Functioning of the European Union (TFEU). The Agency should be entrusted with such tasks only by means of subsequent and separate legislative instruments, preceded by an impact assessment.

Treaty on the Functioning of the European Union (TFEU), ***such as the secure ICT solution for cross-border exchange of sensitive data by the judicial authorities (e-CODEX)***. The Agency should be entrusted with such tasks only by means of subsequent and separate legislative instruments, preceded by an impact assessment.

Or. en

## **Amendment 58**

**Caterina Chinnici**

on behalf of the S&D Group

### **Proposal for a regulation**

#### **Recital 17**

##### *Text proposed by the Commission*

(17) The Agency should be responsible for carrying out pilot projects, in accordance with Article 54(2)(a) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>60</sup>. The Agency may in addition be entrusted by the Commission with budget implementation tasks for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 of the European Parliament and of the Council<sup>61</sup> in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. The Agency may also plan and implement testing activities on matters strictly covered by this Regulation and the legislative instruments governing the development, establishment, operation and use of the large-scale IT systems managed by the Agency. When tasked with carrying out a pilot project, the Agency should pay particular attention to the European Union Information Management Strategy.

##### *Amendment*

(17) The Agency should be responsible for carrying out pilot projects, in accordance with Article 54(2)(a) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>60</sup>. The Agency may in addition be entrusted by the Commission, ***following the approval of the budgetary authority,*** with budget implementation tasks for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 of the European Parliament and of the Council<sup>61</sup> in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. The Agency may also plan and implement testing activities on matters strictly covered by this Regulation and the legislative instruments governing the development, establishment, operation and use of the large-scale IT systems managed by the Agency. When tasked with carrying out a pilot project, the Agency should pay particular attention to the European Union

---

<sup>60</sup> Regulation (EU, Euratom ) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>61</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

---

<sup>60</sup> Regulation (EU, Euratom ) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>61</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Or. en

### *Justification*

*Amendment tabled in line with modifications proposed to the operative part of the Regulation.*

### **Amendment 59**

**Barbara Kudrycka, Carlos Coelho**

#### **Proposal for a regulation**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) The Agency should provide advice to Member States with regard to the national systems' connection to the central systems.

##### *Amendment*

(18) The Agency should provide advice to Member States with regard to the national systems' connection to the central systems *at their request*.

Or. en

### **Amendment 60**

**Marie-Christine Vergiat**

#### **Proposal for a regulation**

## Recital 19

### *Text proposed by the Commission*

(19) The Agency should also provide ad-hoc support to Member States where required by security *or migratory* extraordinary needs. ***In particular, where a Member State faces specific and disproportionate migratory challenges at particular areas of its external borders characterised by large inward migratory flows, the Member States should be able to rely on technical and operational reinforcements. This should be provided in hotspot areas by migration management support teams composed of experts from relevant Union agencies.***

Where the support of eu-LISA would be required in this context with regard to issues related to the large-scale IT systems it manages, the request for support should be sent to the Agency by the Commission.

### *Amendment*

(19) The Agency should also provide ad-hoc support to Member States where required by security extraordinary needs. Where the support of eu-LISA would be required in this context with regard to issues related to the large-scale IT systems it manages, the request for support should be sent to the Agency by the Commission.

Or. fr

## Amendment 61

**Barbara Kudrycka, Carlos Coelho**

### **Proposal for a regulation**

#### **Recital 19**

### *Text proposed by the Commission*

(19) The Agency should also provide ad-hoc support to Member States where required by security or migratory extraordinary needs. In particular, where a Member State faces specific and disproportionate migratory challenges at particular areas of its external borders characterised by large inward migratory flows, the Member States should be able to rely on technical and operational reinforcements. This should be provided in hotspot areas by migration management

### *Amendment*

(19) The Agency should also provide ad-hoc support to Member States where required by security or migratory extraordinary needs. In particular, where a Member State faces specific and disproportionate migratory challenges at particular areas of its external borders characterised by large inward migratory flows, the Member States should be able to rely on technical and operational reinforcements. This should be provided in hotspot areas by migration management

support teams composed of experts from relevant Union agencies. Where the support of eu-LISA would be required in this context with regard to issues related to the large-scale IT systems it manages, the request for support should be sent to the Agency by the Commission.

support teams composed of experts from relevant Union agencies. Where the support of eu-LISA would be required in this context with regard to issues related to the large-scale IT systems it manages, the request for support should be sent to the Agency by the Commission. ***The Commission should monitor whether the Agency provides a response to the request without delay.***

Or. en

**Amendment 62**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) The Agency should also support the Commission services on technical issues related to existing or new systems, when required, in particular for the preparation of new proposals on large-scale IT systems to be entrusted to the Agency.

*Amendment*

(20) The Agency should also, ***whenever it identifies more effective innovative technical solutions, notify and*** support the Commission services on technical issues related to existing or new systems, when required, in particular for the preparation of new proposals on large-scale IT systems to be entrusted to the Agency.

Or. ro

**Amendment 63**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) ***It should also be possible that the Agency is tasked with developing, managing and/or hosting a common IT system for a group of Member States***

*Amendment*

***deleted***

*opting on a voluntary basis for a centralised solution assisting them to implement technical aspects of obligations deriving from Union legislation on decentralised large-scale IT systems in the area of freedom, security and justice. This should require prior approval by the Commission and a decision of the Management Board and should be reflected in a delegation agreement between the Member States concerned and the Agency and financed by way of a contribution charged to the relevant Member States to cover all the costs.*

Or. fr

*Justification*

*The EDPS notes in Opinion 9/2017 that the architecture of existing systems cannot be changed by a delegation agreement but must be done by changing the legal basis, including through feasibility studies and an impact assessment centring in particular on the principles of necessity and proportionality.*

**Amendment 64**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

*Amendment*

**(21) It should also be possible that the Agency is tasked with developing, managing and/or hosting a common IT system for a group of Member States opting on a voluntary basis for a centralised solution assisting them to implement technical aspects of obligations deriving from Union legislation on decentralised large-scale IT systems in the area of freedom, security and justice. This should require prior approval by the Commission and a decision of the** **deleted**

*Management Board and should be reflected in a delegation agreement between the Member States concerned and the Agency and financed by way of a contribution charged to the relevant Member States to cover all the costs.*

Or. en

*Justification*

*The deletion is necessary for consistency with the amendment on art. 12.2.*

**Amendment 65**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

*(21) It should also be possible that the Agency is tasked with developing, managing and/or hosting a common IT system for a group of Member States opting on a voluntary basis for a centralised solution assisting them to implement technical aspects of obligations deriving from Union legislation on decentralised large-scale IT systems in the area of freedom, security and justice. This should require prior approval by the Commission and a decision of the Management Board and should be reflected in a delegation agreement between the Member States concerned and the Agency and financed by way of a contribution charged to the relevant Member States to cover all the costs.*

*deleted*

Or. en

**Amendment 66**  
**Barbara Kudrycka**



## Proposal for a regulation

### Recital 21

#### *Text proposed by the Commission*

(21) It should also be possible that the Agency is tasked with developing, managing and/or hosting a common IT system for a group of Member States opting on a voluntary basis for a centralised solution assisting them to implement technical aspects of obligations deriving from Union legislation on decentralised large-scale IT systems in the area of freedom, security and justice. This should require prior **approval by** the Commission and a decision of the Management Board and should be reflected in a delegation agreement between the Member States concerned and the Agency and financed by way of a contribution charged to the relevant Member States to cover all the costs.

#### *Amendment*

(21) It should also be possible that the Agency is tasked with developing, managing and/or hosting a common IT system for a group of Member States opting on a voluntary basis for a centralised solution assisting them to implement technical aspects of obligations deriving from Union legislation on decentralised large-scale IT systems in the area of freedom, security and justice. This should require prior **close consultation with** the Commission and a decision of the Management Board and should be reflected in a delegation agreement between the Member States concerned and the Agency and financed by way of a contribution charged to the relevant Member States to cover all the costs.

Or. en

## Amendment 67

Caterina Chinnici

on behalf of the S&D Group

## Proposal for a regulation

### Recital 23

#### *Text proposed by the Commission*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, **appoint an Executive**

#### *Amendment*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency and establish procedures for

**Director** and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

taking decisions relating to the operational tasks of the Agency by ***the Executive Director. Following the appropriate selection procedure organised by the Commission, and following a hearing of the proposed candidates in the competent Committee(s) of the European Parliament, the Management Board should also appoint*** the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

Or. en

#### *Justification*

*Amendment tabled in line with modifications proposed to the operative part of the Regulation.*

#### **Amendment 68** **Maria Grapini**

#### **Proposal for a regulation** **Recital 23**

##### *Text proposed by the Commission*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on

##### *Amendment*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to ***establishing the strategy for managing*** the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director ***and check and assess the work of the Executive Director***. The Agency

Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

Or. ro

**Amendment 69**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) The Member States and the Commission should be represented on a Management Board, ***in order to control the functions of the Agency effectively***. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

*Amendment*

(23) ***In order to control the functions of the Agency effectively***, the Member States and the Commission should be represented on a Management Board, ***which should forward relevant information to the European Parliament***. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

Or. fr

**Amendment 70**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

*Amendment*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. **The *Management Board* should *carry out these tasks in an efficient and transparent way*.** The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

Or. en

**Amendment 71**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable

*Amendment*

(23) The Member States and the Commission should be represented on a Management Board, in order to control the functions of the Agency effectively. The Management Board should be entrusted with the necessary functions, in particular to adopt the annual work programme, carry out its functions relating to the Agency's budget, adopt the financial rules applicable

to the Agency, appoint an Executive Director and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

to the Agency, appoint an Executive Director and ***a Deputy Executive Director*** ***and*** establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Agency should be governed and operated taking into account the principles of the Common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the Commission.

Or. en

**Amendment 72**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) As regards SIS II, the European Police Office (Europol) and the European Judicial Cooperation Unit (Eurojust), both having the right to access and search ***directly*** data entered into SIS II in application of Decision 2007/533/JHA [or Regulation XX of XX on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU,], should have observer status at the meetings of the Management Board when a question in relation to the application of Decision 2007/533/JHA is on the agenda. ***The European Border and Coast Guard which has the right to access and search SIS in application of Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>62</sup> and of Regulation XXX [on the***

*Amendment*

(24) As regards SIS II, the European Police Office (Europol) and the European Judicial Cooperation Unit (Eurojust), both having the right to access and search directly data entered into SIS II in application of Decision 2007/533/JHA [or Regulation XX of XX on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU,], should have observer status at the meetings of the Management Board when a question in relation to the application of Decision 2007/533/JHA is on the agenda. Europol ***and*** Eurojust should each be able to appoint a representative to the SIS II Advisory Group established under this Regulation.

*establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters]*<sup>63</sup> *should have observer status in the Management Board when a question in relation to the application of Regulation (EU) 2016/1624 or of Regulation XXX of XXX [on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters] is on the agenda.* Europol, Eurojust *and the European Border and Coast Guard* should each be able to appoint a representative to the SIS Advisory Group established under this Regulation.

---

<sup>62</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

<sup>63</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU. COM(2016) 883 final.

Or. fr

## **Amendment 73**

**Marie-Christine Vergiat**

**Proposal for a regulation  
Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) As regards Eurodac, Europol should have observer status at the meetings of the Management Board, when a question in relation with the application of Regulation (EU) No 603/2013 [or Regulation XX of XX on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person]for identifying an illegally staying third country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement and Europol for law enforcement purposes (recast) is on the agenda; Europol should be able to appoint a representative to the Eurodac Advisory Group.** *deleted*

Or. fr

**Amendment 74  
Marie-Christine Vergiat**

**Proposal for a regulation  
Recital 27**

*Text proposed by the Commission*

*Amendment*

**(27) [As regards EES, Europol should have observer status at the meetings of the Management Board when a question concerning Regulation XX/XXXX** *deleted*

*[establishing the EES] is on the agenda.]*

Or. fr

**Amendment 75**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

**(28) [As regards ETIAS, Europol should have observer status at the meetings of the Management Board when a question concerning Regulation XX/XXXX [establishing ETIAS] is on the agenda. The European Border and Coast Guard should also have observer status at the meetings of the Management Board when a question concerning ETIAS in relation with the application of Regulation XX/XX establishing ETIAS is on the agenda. Europol and the European Border and Coast Guard should be able to appoint a representative to the [EES-ETIAS] Advisory Group.]**

**deleted**

Or. fr

**Amendment 76**  
**Caterina Chinnici**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

*Amendment*

**(32) Member States should appoint a Member to the Advisory Group concerning a large-scale IT system, if they are bound under Union law by any legislative instrument governing the development,**

**(32) Member States should appoint a Member to the Advisory Group concerning a large-scale IT system, if they are bound under Union law by any legislative instrument governing the development,**



establishment, operation and use of that particular system. *Denmark should, in addition, appoint a Member to the Advisory Group concerning a large-scale IT system, if it decides under Article 4 of the Protocol No 22 on the position of Denmark to implement the legislative instrument governing the development, establishment, operation and use of that particular system in its national law.*

establishment, operation and use of that particular system.

Or. en

#### *Justification*

*Amendment tabled in line with modifications proposed to the operative part of the Regulation.*

**Amendment 77**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

*(34a) The Agency should be open to the participation of countries that have entered into any agreements with the EU on their association with the implementation, application and development of the Schengen acquis, as well as Dublin and Eurodac-related measures, since certain large-scale IT systems, such as ETIAS, require cooperation with such other countries.*

Or. en

**Amendment 78**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) In order to ensure the transparent operation of the Agency, Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>66</sup> should apply to the Agency. The Agency should be as transparent as possible about its activities, without jeopardising the attainment of the objective of its operations. It should make public information on all of its activities. It should likewise ensure that the public and any interested party are rapidly given information with regard to its work.

---

<sup>66</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

*Amendment*

(37) In order to ensure the transparent operation of the Agency, Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>66</sup> should apply to the Agency. The Agency should be as transparent as possible about its activities, without jeopardising the attainment of the objective of its operations. It should make public information on all of its activities, ***in line with the principle of transparency and in order to ensure the attainment of its objectives***. It should likewise ensure that the public and any interested party are rapidly given information with regard to its work.

---

<sup>66</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Or. ro

**Amendment 79**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) In order to ensure open and transparent employment conditions and equal treatment of staff, the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('Conditions of Employment of other Servants'), laid down in Regulation (EEC, Euratom, ECSC) No 259/68<sup>69</sup> (together

*Amendment*

(40) In order to ensure open and transparent employment conditions and equal treatment of staff, the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('Conditions of Employment of other Servants'), laid down in Regulation (EEC, Euratom, ECSC) No 259/68<sup>69</sup> (together

referred to as the ‘Staff Regulations’), should apply to the staff (including the Executive Director of the Agency), including the rules of professional secrecy or other equivalent duties of confidentiality.

---

<sup>69</sup> JO L 56, 4.3.1968, p. 1.

referred to as the ‘Staff Regulations’), should apply to the staff (including the Executive Director of the Agency), including the rules of professional secrecy or other equivalent duties of confidentiality. ***The Agency should have sufficient budgetary and staff resources at its disposal in order not to have to outsource its tasks and duties to private companies.***

---

<sup>69</sup> JO L 56, 4.3.1968, p. 1.

Or. fr

## **Amendment 80**

### **Maria Grapini**

#### **Proposal for a regulation**

#### **Recital 43**

##### *Text proposed by the Commission*

(43) Since the objectives of this Regulation, namely the establishment of an Agency at Union level responsible for the operational management and where appropriate the development of large-scale IT systems in the area of freedom, security and justice cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

##### *Amendment*

(43) Since the objectives of this Regulation, namely the establishment of an Agency at Union level responsible for the operational management and where appropriate the development of large-scale IT systems in the area of freedom, security and justice cannot be sufficiently ***and effectively*** achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

Or. ro

**Amendment 81**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. The Agency shall be responsible for the operational management of the Schengen Information System (SIS) the Visa Information System (VIS) and Eurodac.

*Amendment*

2. The Agency shall be responsible for the operational management of the Schengen Information System (SIS) the Visa Information System (VIS) and Eurodac, ***in line with the principle of subsidiarity as laid down in Article 5 TEU.***

Or. ro

**Amendment 82**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article premier – paragraph 5**

*Text proposed by the Commission*

5. Operational management shall consist of all the tasks necessary to keep large-scale IT systems functioning in accordance with the specific provisions applicable to each of them, including responsibility for the communication infrastructure used by them. Those large-scale systems shall not exchange data or enable sharing of information or knowledge, ***unless so provided in a specific legal basis.***

*Amendment*

5. Operational management shall consist of all the tasks necessary to keep large-scale IT systems functioning in accordance with the specific provisions applicable to each of them, including responsibility for the communication infrastructure used by them. Those large-scale systems shall not exchange data or enable sharing of information or knowledge.

Or. fr

**Amendment 83**  
**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article premier – paragraph 6 – indent 2**

*Text proposed by the Commission*

*Amendment*

– *developing the necessary actions to enable interoperability in accordance with Article 9;* *deleted*

Or. fr

**Amendment 84**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 1 – paragraph 6 – indent 2**

*Text proposed by the Commission*

*Amendment*

– *developing the necessary actions to enable interoperability in accordance with Article 9;* *deleted*

Or. en

**Amendment 85**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 1 – paragraph 6 – indent 2**

*Text proposed by the Commission*

*Amendment*

– *developing the necessary actions to enable interoperability in accordance with Article 9;* *deleted*

Or. en

*Justification*

*following the deletion of Article 9*

**Amendment 86**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the development of large-scale scale IT systems using an adequate project management structure for efficiently developing large-scale IT systems;

*Amendment*

(a) the development of large-scale scale IT systems using an adequate project management structure for efficiently **and securely** developing large-scale IT systems;

Or. fr

**Amendment 87**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the development of large-scale **scale** IT systems using an adequate project management structure for efficiently developing large-scale IT systems;

*Amendment*

(a) the development of large-scale IT systems using an adequate project management structure for efficiently developing large-scale IT systems;

Or. en

*Justification*

*Linguistic change.*

**Amendment 88**

**Maria Grapini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) effective, secure and continuous

*Amendment*

(b) effective, secure and continuous

operation of large-scale IT systems;

operation of large-scale IT systems *apt to ensure a continuous improvement in the quality of data*;

Or. ro

**Amendment 89**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) a high level of data protection, in accordance with the *applicable rules*, including specific provisions for each large-scale IT system;

*Amendment*

(f) a high level of data protection, in accordance with the *data protection acquis*, including specific provisions for each large-scale IT system;

Or. en

**Amendment 90**  
**Caterina Chinnici**  
on behalf of the S&D Group  
**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) a high level of data protection, in accordance with the applicable rules, *including specific provisions for each large-scale IT system*;

*Amendment*

(f) a high level of data protection, in accordance with the applicable *Union data protection* rules;

Or. en

*Justification*

*The EU data protection regime has been overhauled since the adoption of the last eu-LISA mandate. All Union IT systems should comply with that new data protection regime and special data protection regimes for individual systems should be limited.*

**Amendment 91**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) an appropriate level of data and physical security, in accordance with the applicable rules, including specific provisions for each large-scale IT system.

*Amendment*

(g) an appropriate level of data and physical security, ***through the implementation of a proper Information Security Risk Management Process (ISRM) and*** in accordance with the applicable rules, including specific provisions for each large-scale IT system.

Or. en

**Amendment 92**  
**Caterina Chinnici**  
on behalf of the S&D Group  
**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) an appropriate level of ***data and physical*** security, ***in accordance with the applicable rules***, including ***specific provisions for each large-scale IT system***.

*Amendment*

(g) an appropriate level of security, including ***the implementation of a proper Information Security Risk Management Process (ISRM)***.

Or. en

*Justification*

*Amendment in line with the recommendation of the EPDS on Information Security Risk Management Process*

**Amendment 93**  
**Barbara Kudrycka, Carlos Coelho**



## Proposal for a regulation

### Article 3 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) The Agency shall also be responsible for the tasks relating to the SIRENE Bureaux and for the communication between the SIRENE Bureaux foreseen in the SIS Regulation.**

Or. en

## Amendment 94

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

## Proposal for a regulation

### Article 7 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Appropriate measures including security *plans* shall be adopted by the Agency inter alia, to prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

3. Appropriate measures *in relation to security*, including *an Information Security Risk Management Process (ISRM)*, shall be adopted by the Agency inter alia, to prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

Or. en

### *Justification*

*Amendment in line with the recommendation of the EPDS on Information Security Risk Management Process*

## Amendment 95

Cecilia Wikström

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Appropriate measures including security *plans* shall be adopted by the Agency inter alia, to prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

*Amendment*

3. Appropriate measures including ***the implementation of a proper Information Security Management System (ISMS)*** shall be adopted by the Agency inter alia, to prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

Or. en

**Amendment 96**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Appropriate measures including security plans shall be adopted by the Agency inter alia, to prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

*Amendment*

3. Appropriate measures including security plans shall be adopted by the Agency, inter alia, to prevent the unauthorised reading, copying, ***transfer***, modification or deletion of personal data during transfers of personal data or transport of data media, in particular by means of appropriate encryption techniques. All system-related operational information circulating in the communication infrastructure shall be encrypted.

Or. ro

**Amendment 97**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Tasks relating to the operational management of the communication infrastructure may be entrusted to external private-sector entities or bodies in accordance with Regulation (EU, Euratom) No 966/2012. In such a case, the network provider shall be bound by the security measures referred to in paragraph 3 and shall have no access to SIS II, VIS, Eurodac, [EES], [ETIAS], [the automated system for registration, monitoring and the allocation mechanism for applications for international protection] [or the ECRIS-TCN system] operational data, or to the SIS II-related SIRENE exchange, by any means.**

**deleted**

Or. fr

**Amendment 98**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Tasks relating to the operational management of the communication infrastructure may be entrusted to external private-sector entities or bodies in accordance with Regulation (EU, Euratom) No 966/2012. In such a case, the network provider shall be bound by the security measures referred to in paragraph 3 and shall have no access to *SIS II, VIS,***

**4. Tasks relating to the operational management of the communication infrastructure may, *at the Agency's own responsibility,* be entrusted to external private-sector entities or bodies in accordance with Regulation (EU, Euratom) No 966/2012. In such a case, the network provider shall be bound by the security measures referred to in paragraph 3 and**

*Eurodac, [EES], [ETIAS], [the automated system for registration, monitoring and the allocation mechanism for applications for international protection] [or the ECRIS-TCN system] operational data, or to the SIS II-related SIRENE exchange, by any means.*

shall have no access to operational data.

Or. fr

*Justification*

*This general restricting of access applies to all the systems operated by the Agency.*

**Amendment 99**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms *and common data quality indicators and towards developing a central repository for reporting and statistics, subject to specific legislative amendments to the existing systems' instruments and/or to specific provisions in new instruments.*

*Amendment*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms.

Or. fr

*Justification*

*In Opinion 9/2017, the EDPS points out that the establishment of a central repository is not necessary, and neither it is desirable, considering the added responsibility such a repository would entail for eu-LISA.*

**Amendment 100**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms and common data quality indicators ***and towards developing a central repository for reporting and statistics, subject to specific legislative amendments to the existing systems' instruments and/or to specific provisions in new instruments.***

*Amendment*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms and common data quality indicators.

Or. en

*Justification*

*Following the EDPS Opinion: An additional central data repository is not advisable nor necessary.*

**Amendment 101**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms and common data quality indicators and towards developing a central repository for reporting and statistics, subject to specific legislative amendments to the existing systems' instruments and/or to specific provisions in new instruments.

*Amendment*

The Agency, together with the Commission, shall work towards establishing for all systems under the Agency's operational responsibility, automated data quality control mechanisms and common data quality indicators and towards developing a central repository ***containing only anonymised data*** for reporting and statistics, subject to specific legislative amendments to the existing systems' instruments and/or to specific provisions in new instruments.

*Justification*

*Any central repository should work only with anonymised data.*

**Amendment 102**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 9**

*Text proposed by the Commission*

*Amendment*

**Article 9**

**deleted**

**Interoperability**

*The Agency shall also develop the necessary actions to enable interoperability of the systems, subject, where required, to the adoption of the relevant legislative instruments.*

*Justification*

*The EDPS notes in Opinion 9/2017 that there is currently no legal framework for interoperability. Considering the risks posed to the right to privacy and the right to data protection, that interoperability cannot be implemented without a specific legal basis, comprising an impact assessment and a feasibility study.*

**Amendment 103**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 9**

*Text proposed by the Commission*

*Amendment*

**Article 9**

**deleted**

**Interoperability**

*The Agency shall also develop the necessary actions to enable*

*interoperability of the systems, subject, where required, to the adoption of the relevant legislative instruments.*

Or. en

*Justification*

*Following the EDPS Opinion: Interoperability should only be introduced after a proper legislative instrument has been adopted and the consequences have been thoroughly assessed. It also needs more specific clarifications on what “interoperability” exactly means here.*

**Amendment 104**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

**Article 9**

**deleted**

**Interoperability**

*The Agency shall also develop the necessary actions to enable interoperability of the systems, subject, where required, to the adoption of the relevant legislative instruments.*

Or. en

**Amendment 105**  
**Caterina Chinnici**  
on behalf of the S&D Group  
**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Agency shall *also* develop the necessary actions to enable interoperability *of the systems, subject, where required, to the adoption of the relevant legislative*

*Where interoperability of large-scale IT systems has been stipulated in a relevant legislative instrument,* the Agency shall develop the necessary actions to enable

*instruments.*

*that* interoperability.

Or. en

*Justification*

*It should be clarified that task of enabling interoperability falls to the Agency only once the co-legislators have agreed upon the need for interoperability in the relevant legislative instruments.*

**Amendment 106**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 10 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall ***on a regular basis*** keep the European Parliament, the Council, the Commission, and, where data ***protection issues are*** concerned, the European Data Protection Supervisor informed on the developments referred to in paragraph 1.

*Amendment*

3. The Agency shall, ***at least once each year***, keep the European Parliament, the Council, the Commission, and, where ***the processing of personal data is*** concerned, the European Data Protection Supervisor, informed on the developments referred to in paragraph 1.

Or. fr

**Amendment 107**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 10 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall on a regular basis keep the European Parliament, the Council, the Commission, and, where ***data protection issues are*** concerned, the European Data Protection Supervisor informed on the developments referred to in paragraph 1.

*Amendment*

3. The Agency shall on a regular basis keep the European Parliament, the Council, the Commission, and, where ***processing of personal data is*** concerned, the European Data Protection Supervisor informed on the developments referred to in paragraph 1.



**Amendment 108**

**Barbara Kudrycka, Carlos Coelho**

**Proposal for a regulation**

**Article 10 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall on a regular basis keep the European Parliament, the Council, the Commission, and, where ***data protection issues are*** concerned, the European Data Protection Supervisor informed on the developments referred to in paragraph 1.

*Amendment*

3. The Agency shall on a regular basis keep the European Parliament, the Council, the Commission, and, where ***personal data processing is*** concerned, the European Data Protection Supervisor informed on the developments referred to in paragraph 1.

**Amendment 109**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Agency shall on a regular basis keep the European Parliament, the Council and, where ***data protection issues are*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

*Amendment*

The Agency shall on a regular basis keep the European Parliament, the Council and, where ***processing of personal data is*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

**Amendment 110**

**Barbara Kudrycka, Carlos Coelho**

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Agency shall on a regular basis keep the European Parliament, the Council and, where ***data protection issues are*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

*Amendment*

The Agency shall on a regular basis keep the European Parliament, the Council and, where ***personal data processing is*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

Or. en

**Amendment 111**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Agency shall on a regular basis keep the European Parliament, the Council and, where data ***protection issues are*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

*Amendment*

The Agency shall on a regular basis keep the European Parliament, the Council and, where ***the processing of personal data is*** concerned, the European Data Protection Supervisor, informed of the evolution of the pilot projects referred to in the first subparagraph.

Or. fr

**Amendment 112**  
**Caterina Chinnici**  
on behalf of the S&D Group  
**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

3. At the request of the Commission or the Council and after a decision of the Management Board the Agency may be entrusted with budget implementation tasks

*Amendment*

3. At the request of the Commission or the Council, ***with the approval of the European Parliament***, and after a decision of the Management Board the Agency may

for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, by way of a delegation agreement.

be entrusted with budget implementation tasks for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, by way of a delegation agreement.

Or. en

### *Justification*

*As part of the Budgetary Authority, and as co-legislator in the area of external borders and visas, the Parliament should be entitled to approve or not any proofs of concept to be funded under the Internal Security Fund.*

### **Amendment 113**

**Sophia in 't Veld**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 3**

##### *Text proposed by the Commission*

3. At the request of the Commission or the Council and after a decision of the Management Board the Agency may be entrusted with budget implementation tasks for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, by way of a delegation agreement.

##### *Amendment*

3. At the request of the Commission or the Council, ***with the consent of the Parliament***, and after a decision of the Management Board the Agency may be entrusted with budget implementation tasks for proofs of concept funded under the instrument for financial support for external borders and visa provided for in Regulation (EU) No 515/2014 in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, by way of a delegation agreement.

Or. en

### **Amendment 114**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. The Agency may plan and implement testing activities on ***matters covered by this Regulation and*** the legislative instruments governing the development, establishment, operation and use of all large-scale IT systems managed by the Agency after a decision of the Management Board.

*Amendment*

4. The Agency may plan and implement testing activities on the legislative instruments governing the development, establishment, operation and use of all large-scale IT systems managed by the Agency after a decision of the Management Board.

Or. en

*Justification*

*The Agency's core tasks relate to the management of large-scale IT systems in the area of freedom, security and justice. The Agency should therefore be empowered to test activities linked to the management of those systems.*

**Amendment 115**  
**Barbara Kudrycka, Carlos Coelho**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The Agency ***may be requested*** to provide advice ***to Member States with regard to the*** national systems' connection to the central systems ***and ad-hoc support to Member States. The requests*** for ad-hoc support ***shall be submitted*** to the Commission which shall transmit ***them*** to the Agency. ***It*** may also be requested to provide advice or support to the Commission on technical issues related to existing or new systems including by way of studies and testing.

*Amendment*

1. ***Any Member State may request*** the Agency to provide advice ***as regards its*** national systems' connection to the central systems. ***Any Member State may submit a request*** for ad-hoc support to the Commission which, ***subject to its positive assessment that such support is required,*** shall transmit ***it*** to the Agency, ***which shall inform the Management Board. The Commission shall monitor whether the Agency has provided a timely response to the Member State's request. The Agency*** may also be requested to provide advice or support to the Commission on technical issues related to existing or new systems

including by way of studies and testing.

Or. en

## **Amendment 116**

**Maria Grapini**

### **Proposal for a regulation**

#### **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. The Agency may be requested to provide advice to Member States with regard to the national systems' connection to the central systems and ad-hoc support to Member States. The requests for ad-hoc support shall be submitted to the Commission which shall transmit them to the Agency. It may also be requested to provide advice or support to the Commission on technical issues related to existing or new systems including by way of studies and testing.

##### *Amendment*

1. The Agency may be requested to provide advice to Member States with regard to the national systems' connection to the central systems and ad-hoc support to Member States. The requests for ad-hoc support shall be submitted to the Commission which shall transmit them to the Agency. It may also be requested to provide advice or support to the Commission on technical issues related to existing or new systems including by way of *suitable* studies and *appropriate* testing.

Or. ro

## **Amendment 117**

**Marie-Christine Vergiat**

### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

##### *Text proposed by the Commission*

2. *The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice,*

##### *Amendment*

*deleted*

*subject to prior approval by the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.*

Or. fr

*Justification*

*The EDPS notes in Opinion 9/2017 that the architecture of existing systems cannot be changed by a delegation agreement but must be done by changing the legal basis, including through feasibility studies and an impact assessment centring in particular on the principles of necessity and proportionality.*

**Amendment 118**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

|  |                       |
|--|-----------------------|
| <p><b>2.</b> <i>The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice, subject to prior approval by the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.</i></p> | <p><i>deleted</i></p> |
|--|-----------------------|

*Justification*

*Following the EDPS opinion: Where Union legislation provides for a decentralised system, this cannot be overturned by a delegation agreement between a few Member States and eu-LISA.*

**Amendment 119****Caterina Chinnici**

on behalf of the S&amp;D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini****Proposal for a regulation****Article 12 – paragraph 2***Text proposed by the Commission**Amendment*

**2.      *The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice, subject to prior approval by the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.***      ***deleted***

*Justification*

*As the EDPS has pointed out, each large-scale IT system operates on the basis of a specific legal act in which the architecture of the system is defined. That includes whether a system should be centralised or decentralised. The Member States and the Agency cannot decide to unilaterally change the architecture of the system through a delegation agreement.*

**Amendment 120**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice, subject to prior approval by the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.**

**deleted**

Or. en

**Amendment 121**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice, subject to**

**2. The Agency may also be tasked to develop, manage and/or host a common IT system by a group of at least six Member States opting on a voluntary basis for a centralised solution assisting them in implementing technical aspects of obligations deriving from Union legislation on decentralised systems in the area of freedom, security and justice, subject to**



prior ***approval by*** the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.

prior ***close consultation with*** the Commission and after a decision of the Management Board. In such case the Member States concerned shall entrust the Agency with those tasks by way of a delegation agreement including the conditions for the delegation and setting out the calculation of all relevant costs and the invoicing method.

Or. en

## **Amendment 122**

**Heinz K. Becker, Carlos Coelho, Kinga Gál, Monika Hohlmeier, Jeroen Lenaers, Axel Voss**

### **Proposal for a regulation**

#### **Article 13 – paragraph 4 – subparagraph 3**

##### *Text proposed by the Commission*

Where a backup site ***or a second technical site is provided for in the legislative instruments governing the development, establishment, operation and use of each*** of the systems, this site shall be installed in Sankt Johann im Pongau, Austria.

##### *Amendment*

Where a backup site ***is required to ensure full functionality*** of the systems, this site shall be installed in Sankt Johann im Pongau, Austria. ***With regard to the implementation of new systems, the Management Board together with the Commission shall evaluate and assess the specific requirements of these systems and recommend technical solutions that ensure best use of and connectivity with the backup site. The backup site may be used simultaneously for active operation of the large-scale IT systems provided that it remains capable of ensuring operation in the event of a failure of one or more of the systems.***

Or. en

## **Amendment 123**

**Marie-Christine Vergiat**

### **Proposal for a regulation**

**Article 13 – paragraph 4 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Other technical sites may be established by decision of the Management Board, following consultation of the European Parliament and the Commission.***

Or. fr

**Amendment 124**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 13 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Both technical sites may be used simultaneously for active operation of the large- scale IT systems provided that the second site remains capable of ensuring their operation in case of failure of one or more of the systems. ***No further technical sites can be established without an amendment to this Regulation.***

5. Both technical sites may be used simultaneously for active operation of the large- scale IT systems provided that the second site remains capable of ensuring their operation in case of failure of one or more of the systems.

Or. en

**Amendment 125**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 13 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. If, following a proper assessment of technical capacity by the Commission, it is concluded that the existing technical sites are not able to support new tasks and they cannot be expanded, further technical sites may be established.***

**Amendment 126**

**Maria Grapini**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) appoint, the Executive Director, and where relevant extend his/her term of office or remove him or her from office, in accordance with Article 22;

*Amendment*

(c) appoint, the Executive Director, ***check and assess his/her work***, and where relevant extend his/her term of office or remove him or her from office, in accordance with Article 22;

Or. ro

**Amendment 127**

**Barbara Kudrycka**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) appoint, the Executive Director, and where relevant extend his/her term of office or remove him or her from office, in accordance with Article 22;

*Amendment*

(c) appoint, the ***Executive Director and Deputy*** Executive Director, and where relevant extend his/her term of office or remove him or her from office, in accordance with Article 22;

Or. en

**Amendment 128**

**Barbara Kudrycka**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) exercise disciplinary authority over the Executive Director and oversee his performance including the implementation

*Amendment*

(d) exercise disciplinary authority over the Executive Director and oversee his performance including the implementation

of the Management Board's decisions;

of the Management Board's decisions *as well as over the Deputy Executive Director, in agreement with the Executive Director*;

Or. en

**Amendment 129**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(ia) adopt detailed internal procedures to protect whistle blowers, including appropriate channels of communication for reporting misconduct,*

Or. en

*Justification*

*It is important to ensure that the Agency takes appropriate measures to protect whistle blowers.*

**Amendment 130**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point r**

*Text proposed by the Commission*

*Amendment*

(r) adopt an interim report by the end of August of each year on progress on the implementation of planned activities of the current year and submit it to the Commission;

(r) adopt an interim report by the end of August of each year on progress on the implementation of planned activities of the current year and submit it to *the European Parliament and* the Commission;

Or. fr

**Amendment 131**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point s**

*Text proposed by the Commission*

(s) assess and adopt the consolidated annual activity report of the Agency's activities for the previous year comparing, in particular, the results achieved with the objectives of the annual work programme and send both the report and its assessment, by 1 July of each year to the European Parliament, the Council, the Commission and the Court of Auditors; the annual activity report shall be published;

*Amendment*

(s) assess and adopt the consolidated annual activity report of the Agency's activities for the previous year comparing, in particular, the results achieved with the objectives of the annual work programme and send both the report and its assessment, by 1 July of each year to the European Parliament, the Council, the Commission, ***the European Data Protection Supervisor*** and the Court of Auditors; the annual activity report shall be published;

Or. fr

*Justification*

*The EDPS points out in Opinion 9/2017 that the EDPS should be included in the list of recipients of this information if he is to perform his tasks effectively.*

**Amendment 132**  
**Caterina Chinnici**  
on behalf of the S&D Group  
**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point y**

*Text proposed by the Commission*

(y) adopt the necessary security measures, including a security ***plan*** and a business continuity and disaster recovery plan, taking into account the possible recommendations of the security experts present in the Advisory Groups;

*Amendment*

(y) adopt the necessary security measures, including a ***proper Information Security Risk Management Process (ISRM)*** and a business continuity and disaster recovery plan, taking into account the possible recommendations of the security experts present in the Advisory

Groups;

Or. en

*Justification*

*Amendment in line with the recommendation of the EPDS on Information Security Risk Management Process*

**Amendment 133**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point y**

*Text proposed by the Commission*

(y) adopt the necessary security measures, including a security *plan* and a business continuity and disaster recovery plan, taking into account the possible recommendations of the security experts present in the Advisory Groups;

*Amendment*

(y) adopt the necessary security measures, including a *proper Information Security Risk Management Process (ISRM)* and a business continuity and disaster recovery plan, taking into account the possible recommendations of the security experts present in the Advisory Groups;

Or. en

**Amendment 134**  
**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point y a (new)**

*Text proposed by the Commission*

*Amendment*

*(ya) adopt internal rules for monitoring any use of and access to large-scale IT systems by the staff of the Agency.*

Or. en

### *Justification*

*The Management Board should also ensure that adequate self-monitoring rules exist for the Agency staff in relation to the large-scale IT systems for which it is responsible.*

#### **Amendment 135** **Barbara Kudrycka**

##### **Proposal for a regulation** **Article 15 – paragraph 1 – point z**

###### *Text proposed by the Commission*

(z) adopt the security rules on the protection of classified information and non-classified sensitive information following ***approval*** by the Commission;

###### *Amendment*

(z) adopt the security rules on the protection of classified information and non-classified sensitive information following ***close consultation with*** the Commission;

Or. en

#### **Amendment 136** **Jan Philipp Albrecht**

##### **Proposal for a regulation** **Article 15 – paragraph 1 – point n n**

###### *Text proposed by the Commission*

(nn) ensure ***annual*** publication of the list of competent authorities authorised to search directly the data contained in SIS II pursuant to Article 31(8) of Regulation (EC) No 1987/2006 and Article 46(8) of Decision 2007/533/JHA, together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux as referred to in Article 7(3) of Regulation (EC) No 1987/2006 and Article 7(3) of Decision 2007/533/JHA respectively [or by Article 36(8) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks,

###### *Amendment*

(nn) ensure publication ***and regular updates, on the Agency's website***, of the list of competent authorities authorised to search directly the data contained in SIS II pursuant to Article 31(8) of Regulation (EC) No 1987/2006 and Article 46(8) of Decision 2007/533/JHA, together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux as referred to in Article 7(3) of Regulation (EC) No 1987/2006 and Article 7(3) of Decision 2007/533/JHA respectively [or by Article 36(8) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information

amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and by Article 53(8) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux as referred to in Article 7(3) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks and Article 7(3) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters respectively; [as well as the list of competent authorities pursuant to Article 8(2) of Regulation (EU) XX/XXXX establishing the EES]; [the list of competent authorities pursuant to Article 11 of Regulation (EU) XX/XXXX establishing the ETIAS] and [the list of competent authorities pursuant to Article 32 of Regulation XX/XXX establishing ECRIS-TCN];]

System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 and by Article 53(8) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU together with the list of Offices of the national systems of SIS II (N.SIS II) and SIRENE Bureaux as referred to in Article 7(3) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks and Article 7(3) of Regulation XX of XX of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation in criminal matters respectively; [as well as the list of competent authorities pursuant to Article 8(2) of Regulation (EU) XX/XXXX establishing the EES]; [the list of competent authorities pursuant to Article 11 of Regulation (EU) XX/XXXX establishing the ETIAS] and [the list of competent authorities pursuant to Article 32 of Regulation XX/XXX establishing ECRIS-TCN];]

Or. en

### **Amendment 137**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

### **Proposal for a regulation**



## Article 17 – paragraph 3

*Text proposed by the Commission*

3. The term of office of the members and their alternates shall be four years, ***extendable***. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

*Amendment*

3. The term of office of the members and their alternates shall be four years, ***renewable once***. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Or. en

*Justification*

*In line with the approach taken for other Agencies in the area of Justice and Home Affairs, the term of office for members of the management board should be renewable only once.*

## Amendment 138

**Barbara Kudrycka, Carlos Coelho**

### Proposal for a regulation

#### Article 17 – paragraph 3

*Text proposed by the Commission*

3. The term of office of the members and their alternates shall be four years, ***extendable***. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

*Amendment*

3. The term of office of the members and their alternates shall be four years, ***renewable***. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

Or. en

## Amendment 139

**Barbara Kudrycka**

### Proposal for a regulation

#### Article 17 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures shall participate in the activities of the Agency. They shall each appoint one representative and an alternate to the Management Board.

4. Countries associated with the implementation, application and development of the Schengen acquis, ***as well as of Dublin*** and Eurodac-related measures, shall participate in the activities of the Agency. They shall each appoint one representative and an alternate to the Management Board.

Or. en

**Amendment 140**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Regarding countries associated with the implementation, application and development of the Schengen acquis, as well as of Dublin and Eurodac-related measures, Article 38 shall apply.***

Or. en

**Amendment 141**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Executive Director shall manage the Agency. The Executive Director shall assist and be accountable to the Management Board. The Executive Director shall report to the European Parliament on the performance of his or her duties ***when invited to do so***. The Council may invite the Executive Director to report on the performance of his/her duties.

1. The Executive Director shall manage the Agency. The Executive Director shall assist and be accountable to the Management Board. The Executive Director shall, ***at least once a year***, report to the European Parliament on the performance of his/her duties. The Council may invite the Executive Director to report on the performance of his/her duties.

*Furthermore, the Executive Director shall submit to the European Parliament and to the Council, every two years, a report on the performance of his/her duties and activities.*

Or. fr

**Amendment 142**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

1. The Executive Director shall manage the Agency. The Executive Director shall assist and be accountable to the Management Board. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

*Amendment*

1. The Executive Director shall manage the Agency ***and shall be completely independent in the performance of his or her duties.*** The Executive Director shall assist and be accountable to the Management Board. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

Or. en

*Justification*

*It is crucial to ensure the independence of the Executive Director for eu-LISA as for other agencies in the field of Justice and Home Affairs.*

**Amendment 143**

**Barbara Kudrycka, Carlos Coelho**

**Proposal for a regulation**

**Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Executive Director shall be independent in the performance of his duties. Without prejudice to the respective competences of the Commission and the Management Board, the Executive Director shall neither seek nor take instructions from any government or other body.***

Or. en

**Amendment 144**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 21 – paragraph 3 – point h**

*Text proposed by the Commission*

(h) protecting the financial interests of the Union by applying preventing measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative including financial penalties;

*Amendment*

(h) protecting the financial interests of the Union by applying preventing measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF ***and the European Public Prosecutor's Office***, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative including financial penalties;

Or. en

**Amendment 145**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 21 – paragraph 3 – point r**

*Text proposed by the Commission*

*Amendment*

(r) preparing the necessary security measures including a security *plan*, and a business continuity and disaster recovery plan and submitting them to the Management Board for adoption;

(r) preparing the necessary security measures including a *proper Information Security Risk Management Process (ISRM)*, and a business continuity and disaster recovery plan and submitting them to the Management Board for adoption;

Or. en

#### **Amendment 146**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 3 – point r**

##### *Text proposed by the Commission*

(r) preparing the necessary security *measures* including a security *plan*, and a business continuity and disaster recovery plan and submitting them to the Management Board for adoption;

##### *Amendment*

(r) preparing the necessary security *plan*, including a *proper Information Security Risk Management Process (ISRM)* and a business continuity and disaster recovery plan, and submitting them to the Management Board for adoption;

Or. en

##### *Justification*

*Amendment in line with the recommendation of the EPDS on Information Security Risk Management Process*

#### **Amendment 147**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 1**

##### *Text proposed by the Commission*

1. The Management Board shall

##### *Amendment*

1. The Management Board shall

appoint the Executive Director from a list of candidates proposed by the Commission following an open and transparent selection procedure. The selection procedure shall provide for publication in the Official Journal of the European Union and elsewhere of a call for expressions of interest. The Management Board shall appoint the Executive Director on the ***basis of personal*** merit, experience in the field of large-scale IT systems and administrative, financial and management skills as well as knowledge in data protection. ***The Management Board shall take its decision to appoint the Executive Director by a two-thirds majority of all its members with a right to vote.***

appoint the Executive Director from a list of ***at least three*** candidates proposed by the Commission following an open and transparent selection procedure. The selection procedure shall provide for publication in the Official Journal of the European Union and elsewhere of a call for expressions of interest. The Management Board shall appoint the Executive Director on the ***grounds of merit, documented high-level administrative and management skills***, experience in the field of large-scale IT systems and administrative, financial and management skills as well as knowledge in data protection.

Or. en

#### *Justification*

*These amendments are intended to align the appointment procedure with that agreed upon in Article 69 of the Regulation on the European Border and Coast Guard [Regulation (EU) 2016/1624]*

#### **Amendment 148**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 2**

##### *Text proposed by the Commission*

2. Before appointment, the ***candidate selected*** by the ***Management Board*** shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members. After the statement, the European Parliament shall adopt an opinion setting out its view ***of the selected candidate and send it to the Management Board. The Management Board shall***

##### *Amendment*

2. Before appointment, the ***candidates proposed*** by the ***Commission*** shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members. After the statement, the European Parliament shall adopt an opinion setting out its view ***and may indicate a preferred*** candidate.

*inform the European Parliament of the manner in which that opinion has been taken into account. The opinion shall be treated as personal and confidential until the appointment of the candidate.*

Or. en

#### *Justification*

*These amendments are intended to align the appointment procedure with that agreed upon in Article 69 of the Regulation on the European Border and Coast Guard [Regulation (EU) 2016/1624]*

#### **Amendment 149** **Marie-Christine Vergiat**

#### **Proposal for a regulation** **Article 22 – paragraph 2**

##### *Text proposed by the Commission*

2. Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members. After the statement, the European Parliament shall adopt an opinion setting out its view of the selected candidate and send it to the Management Board. The Management Board shall inform the European Parliament of the manner in which that opinion has been taken into account. The opinion shall be treated as personal and confidential until the appointment of the candidate.

##### *Amendment*

2. Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members. After the statement, the European Parliament shall adopt an opinion setting out its view of the selected candidate and send it to the Management Board. The Management Board shall inform the European Parliament of the manner in which that opinion has been taken into account. The opinion shall be treated as personal and confidential until the appointment of the candidate.

*Following the appointment of the candidate, the European Parliament shall be invited to submit a second opinion stating whether or not the Management Board has taken its initial opinion into account.*

Or. fr

**Amendment 150**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Article 22 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Management Board shall appoint the Executive Directive taking these views into account. The Management Board shall take its decision by a two-thirds majority of all its members with a right to vote.**

Or. en

*Justification*

*These amendments are intended to align the appointment procedure with that agreed upon in Article 69 of the Regulation on the European Border and Coast Guard [Regulation (EU) 2016/1624]*

**Amendment 151**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

**Proposal for a regulation**

**Article 22 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. If the Management Board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.**



*Justification*

*These amendments are intended to align the appointment procedure with that agreed upon in Article 69 of the Regulation on the European Border and Coast Guard [Regulation (EU) 2016/1624]*

**Amendment 152**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members.

*Amendment*

5. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director shall be invited to make a statement before the competent committee(s) of the European Parliament and answer questions from the committee members. ***Should any competent committee of the European Parliament oppose the extension, the Management Board must review its decision, taking that committee's comments into account.***

Or. fr

**Amendment 153**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. The Executive Director may be removed from office only upon a decision of the Management Board, acting on a

*Amendment*

7. The Executive Director may be removed from office only upon a decision of the Management Board ***and the European Parliament*** acting ***by a***

proposal from the Commission.

**qualified majority** on a proposal from the Commission.

Or. fr

**Amendment 154**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 22 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. Article 22a**

***Deputy Executive Director***

***1. A Deputy Executive Director shall assist the Executive Director. The Executive Director shall define the tasks of the Deputy Executive Director.***

***2. All provisions of Article 22 shall apply to the Deputy Executive Director.***

Or. en

**Amendment 155**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 23 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Each Member State which is bound under Union law by any legislative instrument governing the development, establishment, operation and use of a particular large-scale IT system, as well as the Commission, shall appoint one member to the Advisory Group relating to that large-scale IT system, for a four-year term, which may be renewed once.

Each Member State which is bound under Union law by any legislative instrument governing the development, establishment, operation and use of a particular large-scale IT system, as well as the Commission ***and countries associated with the implementation, application and development of the Schengen acquis, as well as of Dublin and Eurodac-related measures***, shall appoint one member to the Advisory Group relating to that large-scale

IT system, for a four-year term, which may be renewed once.

Or. en

#### **Amendment 156**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Denmark shall also appoint a member to an Advisory Group relating to a large-scale IT system, if it decides under Article 4 of the Protocol No 22 on the position of Denmark to implement the legislative instrument governing the development, establishment, operation and use of that particular large-scale IT system in its national law.*

*deleted*

Or. en

#### *Justification*

*Article 23(1) sets out clearly the grounds on which a Member State can appoint a member to the Advisory Group. That paragraph is equally applicable to Denmark, should Denmark decide to opt in to a legislative instrument on a large-scale IT system. A separate paragraph dedicated to Denmark is not needed or helpful.*

#### **Amendment 157**

**Barbara Kudrycka**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. When preparing an opinion, the members of each Advisory Group shall do their best to reach a consensus. If such a

6. When preparing an opinion, the members of each Advisory Group shall do their best to reach a consensus. If such a

consensus is not reached, the opinion shall consist of the reasoned position of the majority of members. The minority reasoned position(s) shall also be recorded. Article 20(3) and (4) shall apply accordingly. The members representing the countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures shall be allowed to express opinions on issues on which they are not entitled to vote.

consensus is not reached, the opinion shall consist of the reasoned position of the majority of members. The minority reasoned position(s) shall also be recorded. Article 20(3) and (4) shall apply accordingly. The members representing the countries associated with the implementation, application and development of the Schengen acquis, ***as well as of Dublin*** and Eurodac-related measures, shall be allowed to express opinions on issues on which they are not entitled to vote.

Or. en

**Amendment 158**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 23 – paragraph 7**

*Text proposed by the Commission*

7. Each Member State and each country associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures shall facilitate the activities of the Advisory Groups.

*Amendment*

7. Each Member State and each country associated with the implementation, application and development of the Schengen acquis, ***as well as of Dublin*** and Eurodac-related measures, shall facilitate the activities of the Advisory Groups.

Or. en

**Amendment 159**  
**Barbara Kudrycka, Carlos Coelho**

**Proposal for a regulation**  
**Article 24 – paragraph 5**

*Text proposed by the Commission*

5. The Commission and the Member States may second officials or national

*Amendment*

5. The Commission and the Member States, ***upon request of the Agency***, may

experts to the Agency on a temporary basis. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.

second officials or national experts to the Agency on a temporary basis. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.

Or. en

#### **Amendment 160**

**Barbara Kudrycka, Carlos Coelho**

#### **Proposal for a regulation**

##### **Article 25 – paragraph 1**

###### *Text proposed by the Commission*

The members of the Management Board, the Executive Director and the members of the Advisory Groups shall undertake to act in the public interest. For that purpose they shall issue an annual, written, public statement of commitment.

###### *Amendment*

The members of the Management Board, the Executive Director and the members of the Advisory Groups shall undertake to act in the public interest. For that purpose they shall issue an annual, written, public statement of commitment, ***which shall be published on the Agency's website.***

Or. en

#### **Amendment 161**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

##### **Article 25 – paragraph 2**

###### *Text proposed by the Commission*

The list of members of the Management Board shall be published on the Agency's Internet site.

###### *Amendment*

The list of members of the Management Board ***and of Members of the Advisory Groups*** shall be published on the Agency's Internet site.

Or. en

### *Justification*

*For transparency purposes, the Members of the Advisory Groups should also be published on the Agency's website.*

#### **Amendment 162** **Barbara Kudrycka**

##### **Proposal for a regulation** **Article 30 – paragraph 4**

###### *Text proposed by the Commission*

4. The Agency shall communicate in accordance with the legislative instruments governing the development, establishment, operation **and** use of large-scale IT-systems and may engage in communication activities on its own initiative within its field of competence. It shall ensure in particular that in addition to the publications specified in Article 15(1)(r), (s), (ii), (jj), [(kk)], [(ll)], [(mm)] and Article 42(9), the public and any interested party are rapidly given objective, accurate, reliable comprehensive and easily understandable information with regard to its work. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the Agency's tasks as referred to in Articles 3 to 12. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

###### *Amendment*

4. The Agency shall communicate in accordance with the legislative instruments governing the development, establishment, operation **and/or** use of large-scale IT-systems and may engage in communication activities on its own initiative within its field of competence. It shall ensure in particular that in addition to the publications specified in Article 15(1)(r), (s), (ii), (jj), [(kk)], [(ll)], [(mm)] and Article 42(9), the public and any interested party are rapidly given objective, accurate, reliable comprehensive and easily understandable information with regard to its work. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the Agency's tasks as referred to in Articles 3 to 12. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

Or. en

#### **Amendment 163** **Jan Philipp Albrecht**

##### **Proposal for a regulation** **Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***Without prejudice to the provisions on data protection laid down in the legislative instruments governing the development, establishment, operation and use of large-scale IT systems,*** the processing of personal data by the Agency shall be subject to Regulation (EC) No 45/2001 [Regulation (EU) XX/2018 on protection of personal data for Union institutions and bodies].

1. The processing of personal data by the Agency shall be subject to Regulation (EC) No 45/2001 [Regulation (EU) XX/2018 on protection of personal data for Union institutions and bodies].

Or. en

*Justification*

*In line with the EP position on the new Regulation governing the data protection in EU institutions (succeeding Regulation 2001/45), there should be only one horizontal data protection regime.*

**Amendment 164**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where the Agency processes personal data for the purpose referred to paragraph 1(a), the specific provisions concerning data protection and data security of the respective legislative instruments governing the development, establishment, operation and use of the large-scale IT systems managed by the Agency shall apply.

2. Where the Agency processes personal data for the purpose referred to paragraph 1(a), the specific provisions concerning data protection and data security of the respective legislative instruments governing the development, establishment, operation and use of the large-scale IT systems managed by the Agency shall apply. ***In any case, pursuant to Regulation (EC) No 45/2001, every data subject shall have the right to lodge a complaint with the European Data Protection Supervisor and have the right to a remedy before the Court of Justice of the European Union, including the right to receive compensation from the Agency, if the data subject considers that the***

*processing of personal data relating to him or her infringes those specific provisions.*

Or. en

**Amendment 165**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 33 – paragraph 2**

*Text proposed by the Commission*

2. The security rules shall be adopted by the Management Board following **approval by** the Commission. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and where appropriate, the relevant Union agencies. It shall develop and operate an information system capable of exchanging classified information with those actors in accordance with Council Decision 2013/488/EU and Commission Decision (EU, Euratom) 2015/444. The Management Board shall, pursuant to Article 2 and Article 15(1)(y) of this Regulation, decide on the Agency's internal structure necessary to fulfil the appropriate security principles.

*Amendment*

2. The security rules shall be adopted by the Management Board following **close consultation with** the Commission. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and where appropriate, the relevant Union agencies. It shall develop and operate an information system capable of exchanging classified information with those actors in accordance with Council Decision 2013/488/EU and Commission Decision (EU, Euratom) 2015/444. The Management Board shall, pursuant to Article 2 and Article 15(1)(y) of this Regulation, decide on the Agency's internal structure necessary to fulfil the appropriate security principles.

Or. en

**Amendment 166**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 35 – paragraph 1**

*Text proposed by the Commission*

*Amendment*



1. No later than five years from the entry into force of this Regulation, and every five years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations *in accordance with the Commission's guidelines*. The evaluation shall *also* assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

1. No later than five years from the entry into force of this Regulation, and every five years thereafter, the Commission, *after consulting the Management Board*, shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations. The evaluation shall *examine the implementation of the provisions of this Regulation and* assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification. *The Management Board may present recommendations regarding changes to this Regulation to the Commission.*

Or. en

**Amendment 167**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 35 – paragraph 1**

*Text proposed by the Commission*

1. No later than *five* years from the entry into force of this Regulation, and every five years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations in accordance with the Commission's guidelines. The evaluation shall also assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems

*Amendment*

1. No later than *three* years from the entry into force of this Regulation, and every five years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations in accordance with the Commission's guidelines. The evaluation shall also assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems

supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

Or. fr

#### **Amendment 168**

**Caterina Chinnici**

on behalf of the S&D Group

**Cécile Kashetu Kyenge, Tanja Fajon, Sylvie Guillaume, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 35 – paragraph 1**

##### *Text proposed by the Commission*

1. No later than **five** years from the entry into force of this Regulation, and every **five** years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations in accordance with the Commission's guidelines. The evaluation shall also assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

##### *Amendment*

1. No later than **four** years from the entry into force of this Regulation, and every **four** years thereafter, the Commission shall assess the Agency's performance in relation to its objectives, mandate, tasks and locations in accordance with the Commission's guidelines. The evaluation shall also assess the contribution of the Agency to the establishment of a coordinated, cost-effective and coherent IT environment at Union level for the management of large scale IT systems supporting the implementation of Justice and Home Affairs (JHA) policies. The evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

Or. en

##### *Justification*

*Although it is clear that some time is required for the Agency to implement the revised mandate, nevertheless, given the substantive changes to its proposed mandate, an evaluation after four years would seem more appropriate.*

**Amendment 169**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 37 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall consult and follow the recommendations of the European Network and Information Security Agency regarding network security, *where appropriate*.

*Amendment*

3. The Agency shall consult and follow the recommendations of the European Network and Information Security Agency regarding network **and information** security.

Or. en

**Amendment 170**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 37 – paragraph 4**

*Text proposed by the Commission*

4. Cooperation with Union bodies, offices and agencies shall take place within the framework of working arrangements. Such arrangements shall ***have received the Commission's prior approval***. Such arrangements may provide for the sharing of services between agencies where appropriate either by proximity of locations or by policy area within the limits of the respective mandates and without prejudice to their core tasks.

*Amendment*

4. Cooperation with Union bodies, offices and agencies shall take place within the framework of working arrangements. Such arrangements shall ***be concluded following close consultation with the Commission***. Such arrangements may provide for the sharing of services between agencies where appropriate either by proximity of locations or by policy area within the limits of the respective mandates and without prejudice to their core tasks.

Or. en

**Amendment 171**  
**Barbara Kudrycka**

**Proposal for a regulation**

## Article 37 – paragraph 5

### *Text proposed by the Commission*

5. The Union institutions, bodies, offices and agencies referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. Onward transmission of other communication of personal data processed by the Agency to Union institutions, bodies, offices or agencies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior **approval of** the European Data Protection Supervisor. Any transfer of personal data by the Agency shall be in line with the data protection provisions laid down in Articles 31 and 32. As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office or agency concerned shall comply with security rules and standards equivalent to those applied by the Agency.

### *Amendment*

5. The Union institutions, bodies, offices and agencies referred to in paragraph 1, shall use information received from the Agency only within the limits of their competences and insofar as they respect fundamental rights, including data protection requirements. Onward transmission of other communication of personal data processed by the Agency to Union institutions, bodies, offices or agencies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior **close consultation with** the European Data Protection Supervisor. Any transfer of personal data by the Agency shall be in line with the data protection provisions laid down in Articles 31 and 32. As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office or agency concerned shall comply with security rules and standards equivalent to those applied by the Agency.

Or. en

## Amendment 172 Barbara Kudrycka

### Proposal for a regulation Article 38 – title

#### *Text proposed by the Commission*

38 Participation by countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures

#### *Amendment*

38 Participation by countries associated with the implementation, application and development of the Schengen acquis, **as well as of Dublin** and Eurodac-related measures

Or. en

**Amendment 173**  
**Barbara Kudrycka**

**Proposal for a regulation**  
**Article 38 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall be open to the participation of **third** countries that have entered into **association** agreements with the Union **to this effect**.

*Amendment*

1. The Agency shall be open to the participation of countries that have entered into **any** agreements with the Union **on their association with the implementation, application and development of the Schengen acquis, as well as of Dublin and Eurodac-related measures**.

Or. en

**Amendment 174**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.

*Amendment*

The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations. **Any serious breach of those internal rules shall be notified to the European Parliament and the Commission in a manner reflecting the rules on confidentiality applicable to the alleged breach.**

Or. fr

**Amendment 175**  
**Jan Philipp Albrecht**

**Proposal for a regulation**

## Article 43 – paragraph 1

*Text proposed by the Commission*

The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.

*Amendment*

The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during **and after** their employment or term of office and to report such situations.

Or. en

## Amendment 176

Barbara Kudrycka

### Proposal for a regulation

#### Article 48 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Maintenance in force of the internal rules adopted by the Management Board***

***Internal rules and measures adopted by the Management Board on the basis of Regulation (EU) No 1077/2011 shall remain in force after the entry into force of this Regulation, without prejudice to any amendments thereto required by this Regulation.***

Or. en