



**2017/2178(DEC)**

19.1.2018

# **AMENDMENTS**

## **1 - 30**

### **Draft opinion**

**Kostas Chrysogonos**

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



**Amendment 1**  
**Jean Lambert**

**Draft opinion**  
**Paragraph -1 (new)**

*Draft opinion*

*Amendment*

**-1. Welcomes the Court of Auditors' conclusions that the annual accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ("the Agency") present fairly its financial position on 31 December 2016 and that its transactions are legal and regular;**

Or. en

**Amendment 2**  
**Monica Macovei**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

1. ***Is concerned*** that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) ***without*** precisely ***defining*** the services requested required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; ***calls on*** the Agency ***to avoid being locked-in to any vendors as this would be detrimental to its*** long term financial interests, ***damaging the cost-effectiveness of procurement procedures and limiting competition; urges*** the Agency ***to conclude agreements with multiple suppliers and to define the services required precisely;***

1. ***Notes*** that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) ***does not*** precisely ***define*** the services requested ***and it*** required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; ***underlines, however, that according to*** the Agency, ***the selected vendor is the owner of the intellectual property rights for the software necessary to operate the technology and thus any other vendor would not be in position to provide better value for money as they could only be sub-contractors; notes the*** long term estimated savings and the existence of the ***'most favored customer' clause that***

*further protects the* financial interests of the Agency;

Or. en

**Amendment 3**  
**Péter Niedermüller, Sylvie Guillaume**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Is concerned that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) without precisely defining the services requested required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; calls on the Agency to avoid being locked-in to any vendors *as this would be detrimental to its long term financial interests, damaging the cost-effectiveness of procurement procedures and limiting competition*; urges the Agency to conclude agreements with multiple suppliers and to define the services required precisely;

*Amendment*

1. Is concerned that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) without precisely defining the services requested required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; calls on the Agency to avoid being locked-in to any vendors *while noting that the services procured need to be tailored to the components actually in use*; urges the Agency to conclude agreements with multiple suppliers and to define the services required precisely;

Or. en

**Amendment 4**  
**Roberta Metsola, Petr Ježek**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. *Is concerned* that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) *without precisely defining the*

*Amendment*

1. *Notes* that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 194 million *for a six-year* contract), *as per the system's legal base,*

*services requested* required tenderers to have access to the Biometric Matching Service technology developed by one single company *with no obligations to provide commercial access to tenderers*; calls on the Agency to avoid being locked-in to any vendors as this would be detrimental to its long term financial interests, damaging the cost-effectiveness of procurement procedures and limiting competition; urges the Agency to conclude agreements with multiple suppliers and to define the services required precisely;

required tenderers to have access to the Biometric Matching Service technology developed by one single company; calls on the Agency to, *whenever possible*, avoid being locked-in to any vendors as this would be detrimental to its long term financial interests, damaging the cost-effectiveness of procurement procedures and limiting competition; urges the Agency to, *whenever possible*, conclude agreements with multiple suppliers and to define the services required precisely;

Or. en

### **Amendment 5**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Lorenzo Fontana, Janice Atkinson, André Elissen**

#### **Draft opinion Paragraph 1**

##### *Draft opinion*

1. *Is concerned* that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) without precisely defining the services requested required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; calls on the Agency to avoid being locked-in to any vendors as this would be detrimental to its long term financial interests, damaging the cost-effectiveness of procurement procedures and limiting competition; urges the Agency to conclude agreements with multiple suppliers and to define the services required precisely;

##### *Amendment*

1. *Deplores* that the public procurement procedure launched for the further development and maintenance of the VIS system (EUR 192 million six year contract) without precisely defining the services requested required tenderers to have access to the Biometric Matching Service technology developed by one single company with no obligations to provide commercial access to tenderers; calls on the Agency to avoid being locked-in to any vendors as this would be detrimental to its long term financial interests, damaging the cost-effectiveness of procurement procedures and limiting competition; urges the Agency to conclude agreements with multiple suppliers and to define the services required precisely;

Or. en

### **Amendment 6**

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**Jean Lambert**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1 a. Notes that at EUR 5 million, equivalent to 63 % of committed appropriations, appropriations carried over under Title II (administrative expenditure) in 2016 are high and that they mainly concern building maintenance and consultancy services to be delivered in 2017; agrees with the Court of Auditors that such high level of carry overs is in contradiction with the budgetary principle of annuality; calls on the Agency to improve the management of its administrative expenditure;***

Or. en

**Amendment 7**  
**Roberta Metsola, Petr Ježek**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1 a. Welcomes the Court of Auditors' conclusions that the annual accounts of the European Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice ("the Agency") present fairly its financial position on 31 December 2016 and that its transactions are legal and regular;***

Or. en

**Amendment 8**  
**Péter Niedermüller, Sylvie Guillaume**

**Draft opinion**  
**Paragraph 1 a (new)**

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***1 a. Welcomes the fact that the Agency ensured stable and continuous operations of the systems entrusted to it and provided broad support to the Commission in development of number of key legal proposals (EES,ETIAS, ECRIS TCN, EURODAC Recast and SIS II recast);***

Or. en

## **Amendment 9**

**Roberta Metsola, Petr Ježek**

### **Draft opinion**

#### **Paragraph 2**

##### *Draft opinion*

2. Notes that the Agency amended the construction contract for its premises in Strasbourg (EUR 21.2 million) to proceed with advance payments in order to increase its budget consumption; points out that by November 2016 the Agency had paid the **full** contract amount **although** less than half of the work had been completed; requests the Agency to better assess the necessity of taking such financial risks **as the use of financial guarantees does not cover all financial risks;**

##### *Amendment*

2. Notes that the Agency amended the construction contract for its premises in Strasbourg (EUR 21.2 million) to proceed with advance payments in order to increase its budget consumption; **notes that such a change was linked to the financial cycle imposed by the Financial Regulation for non-differentiated appropriations;** points out that by November 2016, the Agency had paid the contract amount **in full, even though** less than half of the work had been completed; **notes that the risk was partly offset by financial and performance guarantees as stipulated in the contract;** requests the Agency to better assess the necessity of taking such financial risks **in future projects;**

Or. en

## **Amendment 10**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Lorenzo Fontana, Janice Atkinson, André Elissen**

### **Draft opinion**

#### **Paragraph 2**

*Draft opinion*

2. *Notes* that the Agency amended the construction contract for its premises in Strasbourg (EUR 21.2 million) to proceed with advance payments in order to increase its budget consumption; points out that by November 2016 the Agency had paid the full contract amount although less than half of the work had been completed; requests the Agency to better assess the necessity of taking such financial risks as the use of financial guarantees does not cover all financial risks;

*Amendment*

2. *Deplores* that the Agency amended the construction contract for its premises in Strasbourg (EUR 21.2 million) to proceed with advance payments in order to increase its budget consumption; points out that by November 2016 the Agency had paid the full contract amount although less than half of the work had been completed; requests the Agency to better assess the necessity of taking such financial risks as the use of financial guarantees does not cover all financial risks;

Or. en

**Amendment 11**

**Roberta Metsola, Petr Ježek**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. *Regrets that* in 2016 the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; requests the Agency to better adhere to public procurement procedures;

*Amendment*

3. *Notes that*, in 2016, the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; ***understands that such a move was made to ensure the stability and continuity of the border management of external borders of the Schengen area***; requests the Agency to better adhere to public procurement procedures;

Or. en

**Amendment 12**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Lorenzo Fontana, Janice Atkinson, André Elissen**

**Draft opinion**

**Paragraph 3**



*Draft opinion*

3. **Regrets** that in 2016 the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; requests the Agency to better adhere to public procurement procedures;

*Amendment*

3. **Finds it unacceptable** that in 2016 the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; requests the Agency to better adhere to public procurement procedures;

Or. en

**Amendment 13**  
**Maria Grapini**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Regrets that in 2016 the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; requests the Agency to **better adhere to** public procurement procedures;

*Amendment*

3. Regrets that in 2016 the Agency received and accepted supplies amounting to EUR 2.8 million without having budget and contracts in place for it; requests the Agency to **respect in full** public procurement procedures;

Or. en

**Amendment 14**  
**Monica Macovei**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3 a. Notes the high level of carry-overs of committed appropriations for Title II at EUR 5 million, i.e. 63%; acknowledges that it is mainly due to arrangements regarding building works for the Agency headquarters; recommends to the Agency to respect the budgetary principle of annuality;**

Or. en

**Amendment 15**  
**Jean Lambert**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3 a. Regrets that according to the Agency's Internal Audit Capability report on IT project management the Agency's project management process is in urgent need of revision and improvement in terms of appropriate ownership, staffing, tools, support and supervision;**

Or. en

**Amendment 16**  
**Jean Lambert**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

**3 b. Regrets the conclusions of the Court of Auditors that the Agency did not always check for the most economical solution in 2016, for example by purchasing a new software license for an amount of EUR 4,6 million under a framework contract without checking that the framework contractor, who acted as an intermediary between the Agency and potential software suppliers, had found the best price;**

Or. en

**Amendment 17**  
**Jean Lambert**

**Draft opinion**  
**Paragraph 4**

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*Draft opinion*

4. Regrets that the internal whistleblowing procedure has not been implemented *yet*; calls on the *Agency for an immediate and effective implementation of the internal whistleblowing procedure*;

*Amendment*

4. Regrets that the internal whistleblowing procedure has not *yet* been implemented; calls on the *European Commission to ensure the swift adoption of its guidelines on whistleblowing that will consequently be immediately and effectively adopted and implemented by EU Agencies, including the Agency; understands that, as an interim measure, the Agency has been pro-active by including general whistleblowing principles in its code of conduct, which is easily accessible on the Agency's website*;

Or. en

**Amendment 18**

**Roberta Metsola, Petr Ježek**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Regrets that the internal whistleblowing procedure has not been implemented *yet*; calls on the *Agency for an immediate and effective implementation of the internal whistleblowing procedure*;

*Amendment*

4. Regrets that the internal whistleblowing procedure has not *yet* been implemented; calls on the *European Commission to ensure the swift adoption of its guidelines on whistleblowing that will consequently be immediately adopted and effectively implemented by EU Agencies, including the Agency; understands that, as an interim measure, the Agency has been pro-active by including general whistleblowing principles in its code of conduct, which is easily accessible on the Agency's website*;

Or. en

**Amendment 19**

**Monica Macovei**

**Draft opinion**

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## Paragraph 4

### *Draft opinion*

4. Regrets that the internal whistleblowing procedure has not been implemented yet; calls on the Agency for an immediate and effective implementation of the internal whistleblowing procedure;

### *Amendment*

4. ***Welcomes the publication of whistleblowing rules; reiterates that transparency is a key issue for creating and maintaining a trusting relationship between the citizens, the Union and the Union institutions;*** regrets, ***however,*** that the internal whistleblowing procedure has not been implemented yet ***and*** calls on the Agency for an immediate and effective implementation of the internal whistleblowing procedure;

Or. en

## Amendment 20

Péter Niedermüller, Sylvie Guillaume

### Draft opinion

#### Paragraph 4

### *Draft opinion*

4. Regrets that the internal whistleblowing procedure has not been implemented yet; calls on the Agency for an immediate and effective implementation of the internal whistleblowing procedure;

### *Amendment*

4. Regrets that the internal whistleblowing procedure has not been implemented yet; ***notes, however, that the Agency was waiting for guidance or input from the Commission before it could finalise its rules;*** calls on the Agency for an immediate and effective implementation of the internal whistleblowing procedure;

Or. en

## Amendment 21

Monica Macovei

### Draft opinion

#### Paragraph 5

### *Draft opinion*

5. Notes with concern that there is no specific legal requirement in the

### *Amendment*

5. Notes with concern that there is no specific legal requirement in the

Regulation (EU) 1077/2011, establishing the Agency; on publication of the individual statements of commitment, including the declarations of interests of the members of the Management Board and of the Advisory Group; urges the Agency to adopt and effectively implement legal requirements and guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters;

Regulation (EU) 1077/2011, establishing the Agency, on publication of the individual statements of commitment, including the declarations of interests of the members of the Management Board and of the Advisory Group; urges the Agency to adopt and effectively implement legal requirements and guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters; ***regrets that the members of the Management Board and of the Advisory Group have published declarations of 'absence of conflict of interest' and not declarations of interest as it is not for the members to themselves declare absence of conflict of interest but that rather independent verification of the declarations of interest should be ensured;***

Or. en

## Amendment 22 Péter Niedermüller

### Draft opinion Paragraph 5

#### *Draft opinion*

5. ***Notes with concern that there is no specific legal requirement in the Regulation (EU) 1077/2011, establishing the Agency; on publication of the individual statements of commitment, including the declarations of interests of the members of the Management Board and of the Advisory Group;*** urges the Agency to adopt and effectively implement ***legal requirements and*** guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters;

#### *Amendment*

5. Urges the Agency to adopt and effectively implement guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters;

Or. en

**Amendment 23**  
**Roberta Metsola, Petr Ježek**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Notes with concern that there is no specific legal requirement in the Regulation (EU) 1077/2011, establishing the Agency; on publication of the individual statements of commitment, including the declarations of interests of the members of the Management Board and of the Advisory Group; urges the **Agency** to adopt **and** effectively implement legal requirements and guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters;

*Amendment*

5. Notes with concern that there is no specific legal requirement in the Regulation (EU) 1077/2011, establishing the Agency, on publication of the individual statements of commitment, including the declarations of interests of the members of the Management Board and of the Advisory Group; urges the **co-legislators** to adopt, **and consequently for the Agency to** effectively implement, legal requirements and guidelines for a coherent policy on the prevention and management of conflicts of interest, as well as to develop a clear and transparent policy on these matters; **welcomes that, in the absence of any legal requirement, the Agency has published individual statements of commitment of the members of the Management Board;**

Or. en

**Amendment 24**  
**Roberta Metsola, Petr Ježek**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses with concern that the first annual monitoring report on the implementation of the Agency's anti-fraud strategy (April 2016) showed a **low** level of implementation close to 60%, while the next monitoring report (**March** 2017) **shows** a level of quantitative implementation of at least 80%; calls on the Agency to constantly improve the

*Amendment*

6. Stresses with concern that the first annual monitoring report on the implementation of the Agency's anti-fraud strategy (April 2016) showed a level of implementation close to 60%, while the next monitoring report (**November** 2017) **showed** a level of quantitative implementation of at least 80%; **notes the progress made in this regard;** calls on the

implementation of its anti-fraud strategy;

Agency to constantly improve the implementation of its anti-fraud strategy;

Or. en

## Amendment 25

Péter Niedermüller, Sylvie Guillaume

### Draft opinion

#### Paragraph 6

##### *Draft opinion*

6. ***Stresses with concern*** that the first annual monitoring report on the implementation of the Agency's anti-fraud strategy (April 2016) showed a low level of implementation close to 60%, while the next monitoring report (March 2017) ***shows*** a level of quantitative implementation of at least 80%; calls on the Agency to constantly improve the implementation of its anti-fraud strategy;

##### *Amendment*

6. ***Notes*** that the first annual monitoring report on the implementation of the Agency's anti-fraud strategy (April 2016) showed a low level of implementation close to 60%, while the next monitoring report (March 2017) ***showed*** a level of quantitative implementation of at least 80%; calls on the Agency to constantly improve the implementation of its anti-fraud strategy;

Or. en

## Amendment 26

Roberta Metsola

### Draft opinion

#### Paragraph 7

##### *Draft opinion*

7. Regrets that no particular steps have been taken regarding the gender balance in the composition of the Agency's management board.

##### *Amendment*

7. Regrets that no particular steps have been taken regarding the gender balance in the composition of the Agency's Management Board; ***calls on Member States to ensure gender balance when nominating their member and alternate member for the Agency's Management Board; calls on the Agency to pro-actively remind Member States of the importance of gender balance.***

Or. en

**Amendment 27**  
**Maria Grapini**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Regrets that no particular steps have been taken regarding the gender balance in the composition of the Agency's management board.

*Amendment*

7. Regrets that no particular steps have been taken regarding the gender balance in the composition of the Agency's management board; ***urges the Agency to take measures to regulate this situation*** .

Or. en

**Amendment 28**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

***7 a. Welcomes the audit report of the Commission's Internal Audit Service (IAS) that did not identify major issues related to the operation, maintenance security and continuity of SIS II, VIS and Eurodac IT systems; welcomes as well conclusions that the Agency operates and fulfills its tasks effectively according to the external evaluation conducted on behalf of the Commission, notes that there is still room for improvement and acknowledges the commitment of the Agency to follow up on this important audit;***

Or. en

**Amendment 29**  
**Jean Lambert**

**Draft opinion**

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**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

***7 a. Welcomes the Agency's staff retention policy, implemented by the Management Board, which foresees the possibility that Temporary Agents can receive indefinite contracts at the end of their first contractual term, allowing the Agency to retain key in-house knowledge and expertise.***

Or. en

**Amendment 30  
Jean Lambert**

**Draft opinion  
Paragraph 7 b (new)**

*Draft opinion*

*Amendment*

***7 b. Regrets the conclusions by the Internal Audit Service of the European Commission that weaknesses still exist in the Agency's process for managing human resources, in particular elements that are not fully compliant with the procedural aspects of the Implementing Rules and the Agency's own internal guidelines; calls on the Agency to address the two 'Very Important' and the two 'Important' findings identified by the audit, related to performance appraisal and promotion procedures, compliance with procedures, accurate maintenance of personnel files, and HR management and planning;***

Or. en