



5.10.2017

# **DRAFT OPINION**

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council  
European Agency for the operational management of large-scale IT systems in  
the area of freedom, security and justice  
(COM(2017) 0352 – C8-2017/2017 – 2017/0145(COD))

Rapporteur: Jens Geier

PA\_Legam

## AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### 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 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. ***In such a case, all costs incurred should be borne by the Agency. The budget of the Agency should include a specific budget line that is exclusively dedicated to this purpose and additional to the financial resources allocated for the daily work.***

Or. en

###### *Justification*

*This amendment goes in line with amendment on article 12 (1). While costs should be borne by the Agency, it should be ensured in the same time that requests to ad-hoc support should not endanger the usual work carried out by the Agency.*

### Amendment 2

#### 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 studies and testing. ***The Agency shall bear all costs incurred.***

Or. en

### *Justification*

*In the past, ad-hoc support was necessary in a situation of emergency where one Member State had to deal with a significant increase of migration. In such a case, providing assistance is of clear European added value and should be borne by the Union budget. This amendment aims to specify the financial arrangements consequently.*

## Amendment 3

### 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, 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

### *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.

and setting out the calculation of all relevant costs and the invoicing method.  
***All costs incurred shall be borne by the Member States concerned.***

Or. en *Justification*

*In contrary to Article 12 (1), the Union budget should not provide for these services if they concern only a limited number of Member States.*

#### **Amendment 4**

##### **Proposal for a regulation Article 17 – paragraph 1**

*Text proposed by the Commission*

1. The Management Board shall be composed of one representative from each Member State ***and*** two representatives of the Commission ***all with*** a right to vote, in accordance with Article 20.

*Amendment*

1. The Management Board shall be composed of one representative from each Member State, two representatives of the Commission ***and one member appointed by the European Parliament, each of which shall have*** a right to vote, in accordance with Article 20.

Or. en

*Justification*

*euLISA deals with a number of sensitive issues such as internal security and border management of the Union as well as data protection and privacy of Union citizens. The European Parliament should therefore be involved and closely informed in the decision-making of the Management Board. The request is in line with the Common Approach.*

#### **Amendment 5**

##### **Proposal for a regulation Article 29 – paragraph 4**

*Text proposed by the Commission*

4. The translation services necessary for the activities of the Agency shall be provided by the Translation Centre for the Bodies of the European Union.

*Amendment*

4. The translation services necessary for the activities of the Agency shall be provided by the Translation Centre for the Bodies of the European Union ***or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.***

*Justification*

*The proposed amendment aims to provide the Agency with some flexibility in terms of translation services.*

**Amendment 6****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 five years from the entry into force of this Regulation, and every five years thereafter, the Commission, ***in consultation with the Management Board***, 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*

*The evaluation of the agency shall be carried out in consultation with its Management Board in order to allow the Commission to have an in-depth overview of the parameters to be taken into account for assessment*

**Amendment 7****Proposal for a regulation  
Article 39 – paragraph 5***Text proposed by the Commission**Amendment*

5. The annual work programme for the following year shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multiannual work programme referred to in paragraph 6. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

5. The annual work programme for the following year shall comprise detailed objectives and expected results including performance indicators, ***in accordance with the principle of performance-based budgeting***. It shall also contain a description of the actions to be financed and an indication of financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multiannual work programme referred to in paragraph 6. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. ***Within this context, reprioritisation of activities shall always be considered as a valid alternative before potentially granting additional financial resources.*** Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

Or. en

#### *Justification*

*The amendment is in line with the Common Approach and intends to highlight that the agency shall make an optimal use of the limited resources available.*

#### **Amendment 8**

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

##### **Article 41 – paragraph 3 – point d**

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

(d) contributions paid by Member States for the services provided to them in accordance with the delegation agreement

###### *Amendment*

(d) contributions paid by Member States for the services provided to them in accordance with the delegation agreement

referred to in Article **12**;

referred to in Article **12(2)**;

Or. en

*Justification*

*This amendment is necessary in support of other amendments.*