



9.11.2017

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 – C8-0216/2017 – 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.***

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

Recital 34

Text proposed by the Commission

(34) For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency should be allowed to cooperate with Union institutions, bodies, offices and agencies, in particular those established in the area of freedom, security and justice, in matters covered by this Regulation and the legislative instruments governing the development, establishment, operation and use large-scale IT systems managed by the Agency in the framework of working arrangements concluded in accordance with Union law and policy and within the framework of their respective competences. Those working arrangements should receive the Commission's prior approval. The Agency should also consult and follow up the recommendations of the European Network and Information Security Agency regarding network security, where appropriate.

Amendment

(34) For the purpose of fulfilling its mission, ***achieving coordination and financial savings, avoiding duplication and promoting synergy and complementarity***, and to the extent required for the accomplishment of its tasks, the Agency should be allowed to cooperate with Union institutions, bodies, offices and agencies, in particular those established in the area of freedom, security and justice, in matters covered by this Regulation and the legislative instruments governing the development, establishment, operation and use large-scale IT systems managed by the Agency in the framework of working arrangements concluded in accordance with Union law and policy and within the framework of their respective competences. Those working arrangements should receive the Commission's prior approval. The Agency should also consult and follow up the recommendations of the European Network and Information Security Agency regarding network security, where appropriate.

Amendment 3

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

Text proposed by the Commission

Amendment

(g a) the provision of adequate statistics for the Commission and for the relevant Union decentralised agencies.

Amendment 4

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

Text proposed by the Commission

Amendment

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.

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. ***The Agency shall ensure an adequate level of quality with regard to testing activities and shall cover all relevant costs.***

Amendment 5

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. 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.***

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 6

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 and setting out the calculation of all relevant costs and the invoicing method.

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. ***All costs incurred shall be borne by the Member States concerned.***

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 7

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Statistical support

The Agency shall provide adequate and detailed statistical information to:

- (a) the Commission for the purposes of evaluations and monitoring as provided for in Council Regulation (EU) 1053/2013^{1a}; and***
- (b) the European Border and Coast Guard Agency for the purposes of monitoring the carrying out of***

vulnerability assessments in accordance with Regulation (EU) 2016/1624 of the European Parliament and of the Council^{1b}.

The Agency may provide adequate and detailed statistical information to other Union institutions, bodies, offices and agencies for justified purposes.

^{1a} *Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).*

^{1b} *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).*

Amendment 8

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.

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 9

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. The Management Board shall 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 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.

Amendment 10

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 11

**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.

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 12

**Proposal for a regulation
Article 37 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Agency shall cooperate with the Commission, with other Union institutions and with other Union bodies, offices and agencies in particular those established in the area of freedom, security and justice, and in particular the European Agency for Fundamental Rights, in matters covered by this Regulation.

1. The Agency shall cooperate with the Commission, with other Union institutions and with other Union bodies, offices and agencies in particular those established in the area of freedom, security and justice, and in particular the European Agency for Fundamental Rights, in matters covered by this Regulation, ***in order to achieve coordination and financial savings, to avoid duplication and to promote synergy and complementarity as regards their activities.***

Amendment 13

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 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. ***The working arrangements shall establish the mechanisms for cost recovery.***

Amendment 14

Proposal for a regulation Article 39 – paragraph 5

Text proposed by the Commission

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

Amendment

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

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.

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.

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 15

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

1. Each year the Executive Director shall draw up, taking into account the activities carried out by the Agency, a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the Management Board.

Amendment

1. Each year the Executive Director shall draw up, ***in accordance with the principle of performance-based budgeting and*** taking into account the activities carried out by the Agency ***as well as its objectives and expected results***, a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the Management

Board.

Amendment 16

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 referred to in Article 12;

Amendment

(d) contributions paid by Member States for the services provided to them in accordance with the delegation agreement referred to in Article 12(2);

Justification

This amendment is necessary in support of other amendments.

Amendment 17

Proposal for a regulation

Article 41 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d a) cost recovery paid by Union institutions, bodies, offices and agencies for services provided to them in accordance with working arrangements referred to in Article 37;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
References	COM(2017)0352 – C8-0216/2017 – 2017/0145(COD)
Committee responsible Date announced in plenary	LIBE 11.9.2017
Opinion by Date announced in plenary	BUDG 11.9.2017
Rapporteur Date appointed	Jens Geier 11.7.2017
Date adopted	9.11.2017
Result of final vote	+: 20 –: 3 0: 1
Members present for the final vote	Nedzhmi Ali, Jean Arthuis, Gérard Deprez, Eider Gardiazabal Rubial, Jens Geier, Ingeborg Gräßle, Monika Hohlmeier, John Howarth, Vladimír Maňka, Siegfried Mureşan, Răzvan Popa, Jordi Solé, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti
Substitutes present for the final vote	Andrey Novakov, Stanisław Ożóg, Marie-Pierre Vieu, Tomáš Zdechovský
Substitutes under Rule 200(2) present for the final vote	Jonathan Bullock, Auke Zijlstra

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

20	+
ALDE	Nedzhmi Ali, Jean Arthuis, Gérard Deprez
ECR	Stanisław Ożóg
PPE	Ingeborg Gräßle, Monika Hohlmeier, Siegfried Mureşan, Andrey Novakov, Inese Vaidere, Tomáš Zdechovský, Patricija Šulin
S&D	Eider Gardiazabal Rubial, Jens Geier, John Howarth, Vladimír Maňka, Răzvan Popa, Isabelle Thomas, Daniele Viotti
Verts/ALE	Jordi Solé, Indrek Tarand

3	-
EFDD	Jonathan Bullock
ENF	Auke Zijlstra
NI	Eleftherios Synadinos

1	0
GUE/NGL	Marie-Pierre Vieu

Key to symbols:

+ : in favour

- : against

0 : abstention