



Committee on Civil Liberties, Justice and Home Affairs

2017/2178(DEC)

7.2.2018

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice for the financial year 2016 (2017/2178(DEC))

Rapporteur: Kostas Chrysogonos

PA_NonLeg

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

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;
2. Is concerned 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, without precisely defining the services requested, required tenderers to have access to the Biometric Matching Service technology developed by one single company which does not have an obligation to provide commercial access to tenderers; calls on the Agency to, whenever possible, 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, whenever possible, to conclude agreements with multiple suppliers and to define the services required precisely;
3. Notes the high-level of carry-over committed appropriations under Title II (administrative expenditure) in 2016, amounting to EUR 5 million, equivalent to 63 % of committed appropriations; acknowledges that it mainly concerns building maintenance and consultancy services to be delivered in 2017; notes that such high level of carry-overs is in contradiction with the budgetary principle of annuality; recommends to the Agency to respect, whenever possible, the budgetary principle of annuality; calls on the Agency to improve the management of its administrative expenditure;
4. 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 its development of a number of key legal proposals (EES, ETIAS, ECRIS TCN, EURODAC Recast and SIS II recast);
5. 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 associated with the advance payments 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 as the use of financial guarantees does not cover all financial risks;
6. 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;

7. 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;
8. 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 then be immediately and effectively adopted and implemented by Union 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;
9. 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; emphasises that the co-legislators have the power to establish a legal requirement for the Agency to prevent and manage conflict of interest; notes that the Agency has published individual statements of 'absence of conflict of interest' by members of the management board and of the advisory group; regrets, however, the absence of declarations of interest; welcomes that, in the absence of any legal requirement, the Agency has published individual statements of commitment by the members of the management board;
10. 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 (November 2017) showed a level of quantitative implementation of at least 80%; notes the progress made in this regard; calls on the Agency to constantly improve the implementation of its anti-fraud strategy;
11. Regrets that no particular steps have been taken with regard to the gender imbalance in the composition of the Agency's management board; calls on Member States to ensure gender balance when nominating their member and alternate member to the Agency's Management Board; calls on the Agency to pro-actively remind Member States of the importance of gender balance.
12. 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 that according to the external evaluation conducted on behalf of the Commission the Agency operates and fulfils its tasks effectively; notes that there is still room for improvement and acknowledges the commitment of the Agency to follow up on this important audit;
13. 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.
14. 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;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.2.2018
Result of final vote	+: 45 -: 6 0: 0
Members present for the final vote	Asim Ademov, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Frank Engel, Cornelia Ernst, Raymond Finch, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
Substitutes present for the final vote	Kostas Chrysogonos, Carlos Coelho, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Marek Jurek, Andrejs Mamikins, Angelika Mlinar, Jaromír Ština
Substitutes under Rule 200(2) present for the final vote	Georges Bach, Jonathan Bullock, Julia Reda, Francis Zammit Dimech

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

45	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Angelika Mlinar
ECR	Marek Jurek, Branislav Škripek, Helga Stevens
GUE/NGL	Malin Björk, Kostas Chrysogonos, Cornelia Ernst
PPE	Asim Ademov, Georges Bach, Heinz K. Becker, Michał Boni, Carlos Coelho, Frank Engel, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Csaba Sógor, Jaromír Štítný, Traian Ungureanu, Francis Zammit Dimech, Tomáš Zdechovský
S&D	Caterina Chinnici, Ana Gomes, Maria Grapini, Sylvie Guillaume, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Julia Reda, Judith Sargentini

6	-
EFDD	Jonathan Bullock, Raymond Finch, Kristina Winberg
ENF	Lorenzo Fontana, Auke Zijlstra
NI	Udo Voigt

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention