***I

REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Monica Macovei
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ▌symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2017)0352),

– having regard to Article 294(2) and Article 74, Articles 77(2)(a) and (b), Article 78(2)(e), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0216/2017),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0404/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

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 as long as their capacity allows it. In the event of insufficient capacity, it should be possible to establish further technical sites, based on an impact assessment and cost-benefit analysis, following the consultation of the Commission and a positive decision of the Management Board.

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. Those technical solutions should be implemented based on an impact assessment and cost-benefit analysis, following the consultation of the Commission and a positive decision of the Management Board.

Amendment 2
Proposal for a regulation
Recital 5 – subparagraph 2

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. It took over the tasks
conferred to the Management Authority in
relation to SIS II by Regulation (EC) No
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) that the mandate of the
Agency should be extended to carry out
the tasks derived from the adoption by the
col-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

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. It took over the tasks
conferred to the Management Authority in
relation to SIS II by Regulation (EC) No
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.
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 – Implementation Strategy.\(^{57}\)


\(^{57}\) 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.

Amendment 3

Proposal for a regulation
Recital 15

\(15\) Furthermore, the Agency could also be made responsible for the preparation, development and operational management

\(15\) 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.

Amendment 4

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The mandate of the Agency with regard to research should be extended in order to increase its ability to be more proactive suggesting relevant and necessary technical changes in the IT systems under its responsibility. The Agency might not only monitor but also contribute to the implementation of research activities relevant to the operational management of the systems it manages. It should send information on such monitoring to the European Parliament, the Council and the European Data Protection Supervisor regularly.

Amendment

(16) The mandate of the Agency with regard to research should be extended in order to increase its ability to be more proactive suggesting relevant and necessary technical changes in the IT systems under its responsibility. The Agency might not only monitor but also contribute to the implementation of research activities relevant to the operational management of the systems it manages. It should send information on such monitoring to the European Parliament, to the Council and, where the processing of personal data is concerned, to the European Data Protection Supervisor regularly.

Amendment 5

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

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. 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 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.


Justification

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

Amendment 6

Proposal for a regulation

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

(18) The Agency should provide advice to Member States, upon their request, with regard to the national systems’ connection to the central systems.

Amendment 7

Proposal for a regulation
Recital 19

(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.

(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 directly to the Agency, which should then consult the Commission before a decision is taken. The Commission should also monitor whether the Agency provides a timely response to the request for advice or ad-hoc support and any action taken by the Agency to assist that Member State, where applicable. The Agency should bear all costs incurred when providing support as set out in this Recital. The budget of the Agency should include a specific budget line that is exclusively dedicated to that purpose and additional to the financial resources allocated for daily work.
Amendment 8
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.

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 9
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

(23) In order to monitor effectively the functioning of the Agency, the Member States and the Commission should be represented on a Management Board, which should forward relevant information to the European Parliament.
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.

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 establishment of the strategy for managing the Agency’s budget, adopt the financial rules applicable to the Agency, establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. The Management Board should carry out those tasks in an efficient and transparent way. Following the organisation of an appropriate selection procedure by the Commission, and following a hearing of the proposed candidates in the competent committee of the European Parliament, the Management Board should also appoint an Executive Director. The Executive Director should be assisted by a Deputy 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 10

Proposal for a regulation

Recital 32

Text proposed by the Commission

(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 a large-scale IT system.

Amendment

(32) Each Member State that is bound under Union law by any legislative instrument governing the development, establishment, operation and use of a large-scale IT system should appoint a member to the Advisory Group of such a system. Countries associated with the implementation, application and development of the Schengen acquis, as well as of Dublin-related measures or Eurodac-related measures, should also appoint a member to the Advisory Group.
establishment, operation and use of that particular system in its national law.

Amendment 11

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 12

Proposal for a regulation
Recital 34 a (new)

Text proposed by the Commission

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

Amendment 13

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\(^{66}\) 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.


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\(^{66}\) 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.


Amendment 14

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) In order to ensure open and transparent employment conditions and

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 (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.

69 JO L 56, 4.3.1968, p. 1.

Amendment 15
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.
Amendment 16
Proposal for a regulation
Recital 45 – subparagraph 3

Text proposed by the Commission

Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of the entry into force of the withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. As a consequence, and without prejudice to any provisions of the withdrawal agreement, this above-mentioned description of the participation of the UK in proposal only applies until the United Kingdom ceases to be a Member State.

Amendment 17
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 set out in Article 5 TEU.

Amendment 18
Proposal for a regulation
Article 1 – paragraph 5

Text proposed by the Commission

5. Operational management shall

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, unless so provided in a specific legal basis.

Amendment 19

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

Text proposed by the Commission

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

Amendment

deleted

Amendment 20

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 and securely developing large-scale IT systems;

Amendment 21

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) effective, secure and continuous operation of large-scale IT systems;

Amendment

(b) effective, secure and continuous operation of large-scale IT systems apt to ensure a continuous improvement in the quality of data;
Amendment 22

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 Union data protection law, including specific provisions for each large-scale IT system;

Amendment 23

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 (ISRM) process.

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

Amendment 24

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

Text proposed by the Commission
(g a) the provision of adequate statistics to the Commission and to the relevant Union decentralised agencies.

Amendment 25

Proposal for a regulation
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) tasks relating to the SIRENE Bureaux and the communication between the SIRENE Bureaux as provided for in Regulation (EU) XXX/XXX [SIS Regulation].

Amendment 26

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the tasks conferred on it by Regulation (EU) No 603/2013 [or by 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)];

(a) the tasks conferred on it by Regulation (EU) No 603/2013 [or by 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, and amending Regulation (EU) No XXX/XXX (eu-LISA) (recast)];

Justification

Alignment with the on-going negotiations on the Eurodac Regulation

Amendment 27

Proposal for a regulation

Article 5c – paragraph 1 – point a
Text proposed by the Commission

(a) the tasks conferred on it by [Regulation (EU) No 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) (COM(2016) 272 final – 2016/0132 (COD));

Amendment

(a) the tasks conferred on it by [Regulation (EU) No 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, and amending Regulation (EU) No XXX/XXX (eu-LISA) (recast) (COM(2016) 272 final – 2016/0132 (COD));

Justification

Alignment with the on-going negotiations on the Eurodac Regulation

Amendment 28

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. The communication infrastructure shall be adequately managed and controlled in such a way as to protect it from threats, and to ensure its security and that of large-scale IT systems for which the Agency is responsible, including that of data exchanged through the communication infrastructure.

Amendment

2. Without prejudice to paragraph 1, the communication infrastructure shall be adequately managed and controlled in such a way as to protect it from threats, and to ensure its security and that of large-scale IT systems for which the Agency is responsible, including that of data exchanged through the communication infrastructure.

Justification

Pursuant to Art 7(1), the Agency is not fully responsible for the communication infrastructure
of all systems. The responsibility for the communication infrastructure is divided between the Agency and Commission on the systems (Eurodac at present and ECRIS-TCN in the future) making use of EuroDomain. This should be clarified in the paragraph (2).

Amendment 29

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. The Agency shall adopt appropriate measures in relation to security, including security plans and the implementation of a proper ISRM process, 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.

Amendment 30

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

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...]

Amendment

deleted
protection] [or the ECRIS-TCN system] operational data, or to the SIS II-related SIRENE exchange, by any means.

Amendment 31

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
Without prejudice to Member States’ responsibilities with regard to the data entered into the systems under the Agency’s operational responsibility, the Agency, together with the Commission, shall work towards establishing for all those systems 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 provisions in the legislative instruments governing the development, establishment, operation and use of large-scale IT systems managed by the Agency.

Amendment 32

Proposal for a regulation
Article 9

Text proposed by the Commission

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.

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**Amendment 33**

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. In addition, the Agency shall on a regular basis and at least once a 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.

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**Amendment 34**

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.

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**Amendment 35**

Proposal for a regulation  
**Article 11 – paragraph 3**
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 36

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

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 37

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. The Agency may be requested to

Amendment

1. Any Member State may request the
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.

Agency to provide advice as regards its national systems' connection to the central systems. Any Member State may also submit a request directly to the Agency for ad-hoc support. Prior to providing such ad-hoc support, the Agency shall consult the Commission, which shall transmit its views on the matter to the Management Board without delay. The Commission shall monitor whether the Agency has provided a timely response to the Member State’s request and any action taken by the Agency to assist that Member State, where applicable. 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 suitable studies and appropriate testing. The Agency shall bear all costs incurred. The budget of the Agency shall include a specific budget line that is exclusively dedicated to that purpose and additional to the financial resources allocated for daily work.

Amendment 38

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.

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 euLISA.

Amendment 39

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; 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.

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

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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).
Amendment 40

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 the full functionality of the systems in the event of failure of one or more of those 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 those systems and recommend technical solutions that ensure the best use of, and connectivity to, the backup site.

Amendment 41

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

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

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 the operation of the large-scale IT systems in the event of failure of one or more of the
sites can be established without an amendment to this Regulation.

Amendment 42
Proposal for a regulation
Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By ... [15 months after the entry into force of this Regulation], the Commission shall carry out an in-depth assessment of the existing and future needs of the Agency in terms of the hosting capacity of the existing sites, taking into account the possible need to develop technical solutions to keep the large-scale IT systems under the responsibility of the Agency functioning 24 hours a day, 7 days a week, where the legislative instruments governing those systems so require, and possible risks to the current operational setup. The Commission shall submit that assessment to the European Parliament and to the Council before any decision is taken by the Management Board.

Amendment 43
Proposal for a regulation
Article 15 – paragraph 1 – point c

(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;

(c) appoint the Executive Director and the Deputy Executive Director, check and assess their work, and where relevant extend their respective terms of office or remove them from office, in accordance with Article 22 and Article 22a respectively;

Amendment 44
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 of the Management Board’s decisions;

Amendment

(d) exercise disciplinary authority over the Executive Director and oversee his or her performance, including the implementation of the Management Board’s decisions as well as over the Deputy Executive Director, in agreement with the Executive Director;

Amendment 45

Proposal for a regulation
Article 15 – paragraph 1 – point i

Text proposed by the Commission

(i) adopt rules for the prevention and management of conflicts of interest in respect of its members;

Amendment

(i) adopt rules for the prevention and management of conflicts of interest in respect of its members and publish them on the Agency’s website;

Amendment 46

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

Text proposed by the Commission

(i a) adopt detailed internal rules and procedures for the protection of whistleblowers, including appropriate channels of communication for reporting misconduct;

Amendment

Amendment 47

Proposal for a regulation
Article 15 – paragraph 1 – point r

Text proposed by the Commission


adopter un rapport temporaire à la fin d'août de chaque année sur les progrès de la mise en œuvre des activités prévues de l'année en cours et le soumettre à la Commission;

Amendement 48

Proposal for a regulation

Article 15 – paragraph 1 – point s

Text proposed by the Commission

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 and the Court of Auditors; the annual activity report shall be published;

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.

Amendement 49

Proposal for a regulation

Article 15 – paragraph 1 – point w

Text proposed by the Commission

Amendment

(w) ensure adequate follow-up to the findings and recommendations stemming from the various internal or external audit reports and evaluations as well as from investigations of the European Antifraud Office (OLAF);
Amendment 50

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 security plans and the implementation of a proper ISRM process, and a business continuity and disaster recovery plan, taking into account the possible recommendations of the security experts present in the Advisory Groups;

Justification

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

Amendment 51

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

Text proposed by the Commission

Amendment
(y a) adopt internal rules for monitoring any use of, and access to, large-scale IT systems by the staff of the Agency.

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 52

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

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

Amendment 53

Proposal for a regulation
Article 15 – paragraph 1 – point gg

Text proposed by the Commission

(gg) adopt the annual report on the activities of the Central System of Eurodac pursuant to Article 40(1) of Regulation (EU) No 603/2013 [or to Article 42 of 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)];

Amendment

(gg) adopt the annual report on the activities of the Central System of Eurodac pursuant to Article 40(1) of Regulation (EU) No 603/2013 [or to Article 42 of 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, and amending Regulation (EU) XXX/XXX (eu-LISA) (recast)];

Amendment 54

Proposal for a regulation
Article 15 – paragraph 1 – point jj

Text proposed by the Commission

(jj) compile and publish statistics on the work of the Central System of Eurodac pursuant to Article 8(2) of Regulation (EU) No 603/2013 [or to Article 9(2) of 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

Amendment

(jj) compile and publish statistics on the work of the Central System of Eurodac pursuant to Article 8(2) of Regulation (EU) No 603/2013 [or to Article 9(2) of 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)];

Amendment 55

Proposal for a regulation
Article 15 – paragraph 1 – point nn

Text proposed by the Commission


Amendment

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];

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];

Amendment 56

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. The Management Board may advise the Executive Director on any matter strictly related to the development or operational management of large-scale IT systems and on activities related to research, pilot projects, proofs of concept and testing activities.

Amendment

3. The Management Board may advise the Executive Director on any matter strictly related to the development or operational management of large-scale IT systems and on activities related to research, pilot projects and proofs of concept.

Justification

The Management Board is not in a position to advise the Executive Director on testing activities.

Amendment 57
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 58

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.

Amendment 59

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. Countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures shall participate

Amendment

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

Eurodac-related measures, shall participate in the activities of the Agency. They shall each appoint one representative and an alternate to the Management Board.

Amendment 60

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one third of its members.

Amendment

3. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, at the request of the Executive Director or at the request of at least one third of its members.

Amendment 61

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

Text proposed by the Commission

Article 38 shall apply to countries that have entered into any type of association agreement with the Union on the implementation, application and development of the Schengen acquis, as well as of Dublin-related measures and Eurodac-related measures.

Amendment

Amendment 62

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

Amendment

1. The Executive Director shall manage and represent the Agency. The Executive Director shall assist and be accountable to the Management Board.
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.

The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so and, in accordance with Article 42(12), shall be subject to the procedure for annual discharge by the European Parliament for the implementation of the budget. The European Parliament and the Council may invite the Executive Director to report on the performance of his or her duties.

Justification

The Executive Director should represent the Agency in different possible ways, not only legally. In addition, reference to annual discharge procedure, in accordance with Art 17(3) of Reg. 1077/2011 should be kept in the text, in line with the common approach. The proposed amendment would clarify that, pursuant to Art 42(12) of the Proposal, the Executive Director shall be subject to the annual discharge procedure. This responsibility would therefore be indicated under the responsibilities of the ED with a cross-reference to Article 42(12).

Amendment 63

Proposal for a regulation
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 64

Proposal for a regulation
Article 21 – paragraph 2
2. The Executive Director shall be **deleted** the legal representative of the Agency.

**Justification**

The Executive Director should not only be legal representative of the Agency. In this respect, a general reference to Executive’s role as the Agency’s representative is suggested to be included in para (1).

**Amendment 65**

**Proposal for a regulation**

**Article 21 – paragraph 3 – point g**

**Text proposed by the Commission**

(g) preparing an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board;

**Amendment**

(g) preparing an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and **by the EPPO and** reporting on progress twice a year to the Commission and regularly to the Management Board;

**Amendment 66**

**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 **[the EPPO and]** 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 67

Proposal for a regulation
Article 21 – paragraph 3 – point i

Text proposed by the Commission

(i) preparing an anti-fraud strategy for the Agency and submitting it to the Management Board for approval;

Amendment

(i) preparing an anti-fraud strategy for the Agency and submitting it to the Management Board for approval as well as monitoring the proper and timely implementation of that strategy;

Amendment 68

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 measures, including security plans and the implementation of a proper ISRM process, and a business continuity and disaster recovery plan, and submitting them to the Management Board for adoption;

Justification

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

Amendment 69

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

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
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.

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 [Reg (EU) 2016/1624]

Amendment 70

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 candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees 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.

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 [Reg (EU) 2016/1624]

Amendment 71

Proposal for a regulation
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

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

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 [Reg (EU) 2016/1624]

Amendment 72

Proposal for a regulation

Article 22 – paragraph 2 b (new)

Text proposed by the Commission

2 b. 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 [Reg (EU) 2016/1624]

Amendment 73

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall

3. The term of office of the Executive Director shall be five years. By the end of that period, the Management Board, in
undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.

**Justification**

As the Executive Director is accountable to the MB, according to Art 21(1) of the Proposal. Thus, the assessment of his performance should be undertaken by the MB. COM should be consulted during the assessment. The proposed amendment would be similar to the provision of Art 18(3) of Reg. 1077/2011.

**Amendment 74**

**Proposal for a regulation**

**Article 22 a (new)**

*Text proposed by the Commission*

Amendment

**Article 22 a**

*Deputy Executive Director*

1. The Executive Director shall be assisted by a Deputy Executive Director. If the Executive Director is absent or indisposed, the Deputy Executive Director shall take his or her place.

2. The Deputy Executive Director shall be appointed by the Management Board on the proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience. The Executive Director shall propose at least three candidates for the post of Deputy Executive Director. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote. The Management Board shall have the power to dismiss the Deputy Executive Director by means of a decision adopted by a two-thirds majority of all members with a right to vote.
3. The term of the office of the Deputy Executive Director shall be five years. It may be extended by the Management Board once, for a period of no more than five years.

Amendment 75

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

Text proposed by the Commission

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.

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 and countries associated with the implementation, application and development of the Schengen acquis, as well as of Dublin-related measures 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.

Amendment 76

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

Text proposed by the Commission

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.

Amendment

deleted
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 77

Proposal for a regulation
Article 23 – paragraph 6

Text proposed by the Commission

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.

Amendment

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, as well as of Dublin-related measures and Eurodac-related measures, shall be allowed to express opinions on issues on which they are not entitled to vote.

Amendment 78

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-related measures and Eurodac-related measures, shall facilitate the activities of the Advisory Groups.
Amendment 79

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 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.

Amendment

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

Amendment 80

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, the Deputy 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.

Amendment 81

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 website.

Justification

For transparency purposes, the Members of the Advisory Groups should also be published on the Agency’s website.
Amendment 82

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. The Agency's host Member States shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.

Amendment

2. The Agency's host Member States shall provide the best possible conditions to ensure the proper functioning of the Agency, including, *inter alia*, multilingual, European-oriented schooling and appropriate transport connections.

Amendment 83

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 Union 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 84

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. The Management Board shall adopt the detailed rules for applying Regulation (EC) No 1049/2001 on the basis of a

Amendment

proposal by the Executive Director the Management Board shall adopt rules concerning access to the Agency’s documents, in accordance with Regulation (EC) No 1049/2001.

Amendment 85

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.

Amendment 86

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the provisions on data protection laid down in the legislative instruments governing the development, establishment, operation

Amendment

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
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].

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 87
Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

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.

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. 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.

Amendment 88
Proposal for a regulation Article 33 – paragraph 2
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

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

Amendment

1. **By ... [four years after] the entry into force of this Regulation], and every five years thereafter, the Commission, in consultation with the Management Board, shall evaluate the performance of the Agency. That evaluation shall include an examination of the implementation of the provisions of this Regulation and the way and extent to which the Agency effectively contributes to the operational management of large-scale IT systems in the area of freedom, security and justice and fulfils its tasks as laid down in this Regulation.** 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
modifications. 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 issue recommendations regarding amendments to this Regulation to the Commission.

Amendment 90
Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

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.

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, in order to achieve coordination and financial savings, to avoid duplication and to promote synergy and complementarity as regards their activities.

Amendment 91
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.
Amendment 92

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.

The working arrangements shall establish the mechanisms for cost recovery.

Amendment 93

Proposal for a regulation
Article 38 – title

Text proposed by the Commission

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

Amendment

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

Amendment 94

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 third countries that have entered into any type of association agreement with the Union concerning the
implementation, application and development of the Schengen acquis, as well as of Dublin-related measures and Eurodac-related measures.

Amendment 95
Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. Under the relevant provisions of the association agreements referred to in paragraph 1, arrangements shall be made specifying, in particular, the nature, extent and manner of, and the detailed rules for, the participation by countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures in the work of the Agency, including provisions on financial contributions, staff and voting rights.

Amendment

2. Under the relevant provisions of the association agreements referred to in paragraph 1, arrangements shall be made specifying, in particular, the nature, extent and manner of, and the detailed rules for, the participation of third countries as referred to in paragraph 1 in the work of the Agency, including provisions on financial contributions, staff and voting rights.

Amendment 96
Proposal for a regulation
Article 38 a (new) - title

Text proposed by the Commission

Amendment

Article 38a

Working arrangements with international organisations and other relevant entities

Amendment 97
Proposal for a regulation
Article 38 a (new)
Text proposed by the Commission

In so far as it is necessary for the performance of its tasks and after consultation with the Commission, the Agency may, by means of the conclusion of working arrangements, establish and maintain relations with international organisations and their subordinate bodies governed by public international law or other relevant entities or bodies, which are set up by, or on the basis of, an agreement between two or more countries.

Justification

It may be necessary to provide sufficient legal basis for the Agency to establish and maintain relations with international organisations and/or other relevant entities (such as Interpol and IATA) with a view of the implementation of relevant provisions or proposals of EES and ETIAS. This proposal provides such generic legal basis for the establishment of such relations.

Amendment 98

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 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

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 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.
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 99**

**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 100**

**Proposal for a regulation**

**Article 40 – paragraph 2**

*Text proposed by the Commission*  
2. The Management Board shall, on the basis of the draft statement of estimates drawn up by the Executive Director, adopt

*Amendment*  
2. The Management Board shall, on the basis of the draft statement of estimates drawn up by the Executive Director, adopt
Justification

It is proposed to align the wording of the Proposal with the wording of the framework financial regulation of EU bodies (see Art 33(5) of Regulation 1271/2013).

Amendment 101

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 the working arrangements referred to in Article 37;

Amendment 102

Proposal for a regulation
Article 42 – paragraph 4

Text proposed by the Commission

Amendment

4. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council, the Court of Auditors and the Commission by 31 March of year N+1.

4. The Executive Director shall send a report on the budgetary and financial management for year N to the European Parliament, to the Council, to the Court of Auditors and to the Commission by 31 March of year N+1.
Justification

This amendment aligns the wording of the Proposal with the wording of the regulation with the framework financial regulation. (See Art 39(1) of the Regulation 1271/2013, which indicates that "the director shall perform the duties of authorising officer."

Amendment 103

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. Any serious breach of those internal rules shall be notified to the European Parliament and to the Commission in a manner reflecting the rules on confidentiality applicable to the alleged breach.

Amendment 104

Proposal for a regulation

Article 45 – paragraph 3

Text proposed by the Commission

3. OLAF may carry out investigations including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96.

Amendment

3. [The EPPO,] OLAF[, or both,] may carry out investigations including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96.
Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

Amendment 105

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

The Executive Director of eu-LISA appointed on the basis of Article 18 of Regulation (EU) No 1077/2011 shall, for the remaining term of his office, be assigned to the responsibilities of the Executive Director, as provided for in Article 21 of this Regulation.

Amendment

The Executive Director of eu-LISA appointed on the basis of Article 18 of Regulation (EU) No 1077/2011 shall, for the remaining term of his or her office, be assigned to the responsibilities of the Executive Director of the Agency, as provided for in Article 21 of this Regulation. The other conditions of his or her contract shall remain unchanged. If a decision extending the mandate of the Executive Director in accordance with Article 18(4) of Regulation (EU) 1077/2011 is adopted prior to the entry into force of this Regulation, the term of office shall be extended automatically until 31 October 2022.

Justification

This transitional arrangement would allow to extend the term of office of the Executive Director once up to 5 years if his mandate has already been extended under the currently applicable legal framework[1], which only provides for the possibility of the extension up to 3 years. The extension of the term of office of the current Executive Director, which (following an extension of 3 years) will terminate on 31 October 2020, is crucial from the Agency’s perspective. Such transitional arrangement has already been provided in the Europol Regulation (EU) 2016/794.

Amendment 106

Proposal for a regulation
Article 48 a (new) – title

*Text proposed by the Commission*  
*Amendment*

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

Amendment 107

Proposal for a regulation  
Article 48 a (new)

*Text proposed by the Commission*  
*Amendment*

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

Introduction

The Regulation establishing the EU Agency for the operational management of large scale IT systems (eu-LISA/the Agency) was adopted in 2011. With the establishment of the Agency the operational management of the large-scale IT systems in the area of freedom, security and justice was entrusted to a European Agency thereby ending a situation where this operational management was done by Member States or the Commission. eu-LISA is currently responsible for the operational management at central level of the second generation Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac. eu-LISA may also be entrusted with the development and operational management of other large-scale IT systems in the area of freedom, security and justice if so provided by relevant legislative instruments.

In accordance with Article 31 of the establishing Regulation, the Commission carried out an evaluation, on the basis of an external evaluation, in close consultation with the eu-LISA Management Board, to examine the way and extent to which the Agency effectively contributes to the operational management of large-scale IT systems in the area of freedom, security and justice and fulfils its tasks laid down in the establishing Regulation. It also examined the need for revision or extension of the tasks entrusted to eu-LISA in the establishing Regulation. The proposal is linked to the evaluation of the Agency but also obeys to other legislative and policy developments and reflects on the recommendations as well as the opinion of the Management Board.

On 29 June 2017, to address the current limits of EU information systems, eliminate information gaps and enable information to be shared between information systems, the Commission proposed to strengthen the mandate of eu-LISA, enabling it to develop and roll-out the technical solutions to make the EU information systems interoperable as well as in its management of new systems to ensure that its mandate meets the current challenges in the area of migration and security on the European level.

The aim of the Commission’s proposal is to review eu-LISA establishing Regulation in order to adapt it to the recommendations for legislative amendments stemming from the evaluation, as well as to improve the functioning of eu-LISA and enhance and strengthen its role to ensure that its mandate meets current challenges at EU level in the area of freedom, security and justice. It also aims at inserting in the Regulation changes deriving from policy, legal or factual developments and in particular to reflect the fact that new systems will be entrusted to eu-LISA subject to agreement by the co-legislators and that eu-LISA should be tasked with contributing to the development of interoperability between large-scale IT systems in the follow-up to the 6 April 2016 Commission Communication on Stronger and Smarter Information Systems for borders and security\(^1\), the final report of the High-level expert group on information systems and interoperability of 11 May 2017\(^2\) and the Commission’s Seventh progress report towards an effective and genuine Security Union of 16 May 2017\(^3\). It also

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2 http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=32600&no=1
addresses the recommendations for amendments proposed by the Management Board of the Agency, and the possible need for eu-LISA to host and manage joint technical solutions for the national implementation of decentralized systems for interested Member States. Finally, the proposal aligns the Agency's founding act with the principles of the Joint Statement of the European Parliament, the Council and the European Commission on decentralised agencies of 19 July 2012 (hereinafter 'the Common Approach').

Europe faces a dual challenge today: to stay open whilst staying secure. To develop an adequate response to this the EU needs to utilize the capabilities of modern IT technologies parallel to using these to reinforce and enhance information exchange and collaboration between Member States.

**New tasks for the Agency**

An adequate response of this challenge also requires eu-LISA to undertake new tasks. The Agency will also now be responsible for developing and managing future large-scale EU information systems.

Eu-LISA will have an instrumental role in the development and handling of the new systems, currently under discussion by the co-legislators: the Entry/Exit System (EES) for modernised external border management and the European Travel Information and Authorisation System (ETIAS) to gather advance information on visa-free travellers in the EU. The EC proposal also foresees further upgrades to the European Criminal Records Information System (ECRIS), to improve the exchange of information between Member States on convicted non-EU citizens. The centralised ECRIS system would also be part of the IT systems developed and managed by eu-LISA.

The capability of the Agency to not only administer large-scale IT systems but also provide advice and assistance to Member States on technical issues related to the existing or new IT systems, is a basis for the EC proposal to extend the mandate of the Agency. eu-LISA will have an enhanced role for the production of statistics related to the systems it operates as well as an extended scope of mandate with regard to pilot projects and research. It will help to improve the quality of the systems' data by establishing automated data quality control mechanisms. These will ensure that incorrect or inconsistent data are automatically identified. The Member State which input the data will then be alerted so they can remove or update the data.

**Interoperability**

The proposal is part of the Commission's new approach towards achieving the interoperability of EU information systems for security, border and migration management by 2020.

The reform will give the Agency a mandate to develop the necessary technical solutions to achieve interoperability. The ongoing digital transformation in the EU justice and home affairs domain has highlighted the need to further increase the added value of eu-LISA to the benefit of Member States and the EU as a whole. The proposal for a revised mandate takes into account the needs deriving from this transformation as well as the ability of the Agency to address them.
The Agency will be responsible to develop the main technical features of the Commission's approach towards interoperability – once the relevant legislative instruments have been adopted – consisting of a European Search Portal, a shared biometric matching service and a Common Identity Repository to make sure all EU information systems interact efficiently and are readily accessible to police and customs officers on the ground.

Position of the rapporteur

The rapporteur welcomes the Commission’s proposal aiming at enhancing the role and responsibilities of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (“the Agency”). The Agency fulfils an important tasks in the field of border management and security by ensuring the operational management of large-scale IT systems. The rapporteur welcomes that the proposal generally broadens the scope of tasks entrusted to the Agency.

However, the rapporteur considers that there are some aspects of the Commission’s proposal that could be further improved for ensuring a better performance of the Agency.

The current practice demonstrates that Member States refer directly to the Agency whenever they need technical support with regard to the national systems’ connection to the central system. It seems therefore logical that the Proposal follows the current practice and offers the same “path” for submitting a request to the Agency in the future. In this context, the Commission should have a consultative role (Article 12).

The rapporteur provides for the possibility to create further technical sites, for various reasons: it is questionable whether an active-active mode (when all technical sites can be operational and none of them is functioning as a backup site only) is technically feasible at two locations that are geographically far from each other (as proposed in the legislative proposal, between Strasbourg and Sankt Johann im Pongau). Furthermore, in order to continue ensuring effective, secure and continuous operation of large-scale IT systems, the Agency should be able to swiftly react on situations and easily adapt to/implement future legislative proposals when the capacity of the existing technical sites need to be further extended or improved (Article 13).

The rapporteurs considers that the proposal should include further rules on transparency. In this regard, the rapporteur proposes that the rules adopted by the Management Board on the prevention and management of conflicts of interest of its members (Article 15) and the annual, written statement of commitment of the Members of the Management Boards, the executive Director and the members of the Advisory Groups (Article 25) should be published on the website of the Agency. Moreover, the rapporteur calls on the agency to adopt internal rules on the protection of whistle-blowers (Article 15).

Article 37 of the Proposal provides legal basis for cooperation with Union institutions, bodies, offices and agencies. This cooperation can be both strategic and operational by e.g. offering IT services to other Agencies. In this case, the service provided by eu-LISA may have impact on the Agency’s budget for which it may require financial compensation. The current Proposal, however, does not provide for the possibility for the Agency to request financial compensation for services offered to other EU bodies and agencies. The rapporteur is of the opinion that the Agency should be compensated according to bilateral MoU between the Agency and the COM.
It is necessary to provide sufficient legal basis for the Agency, in so far as necessary for the performance of its tasks and after consultation with the Commission, to establish and maintain **relations with international organisations and other relevant entities of bodies**. Establishment of operational cooperation with international organisations is particularly crucial for the proper implementation of Proposals on the Entry-Exit System and ETIAS. To this aim, the sufficient legal basis should be included in the Proposal (new Article 38a).

Finally, it is proposed to align the Proposal’s provision on the possible extension of the mandate of the Executive Director to the respective provision (Article 73) of the Europol Regulation (EU) 2016/794 by including a transitional arrangement concerning the Executive Director. This transitional arrangement would allow to extend the term of office of the Executive Director once up to 5 years if his mandate has already been extended under the currently applicable legal framework, which only provides for the possibility of the extension up to 3 years. The extension of the term of office of the current Executive Director, which (following an extension of 3 years) will terminate on 31 October 2020. The period around 2020 is crucial, from the Agency’s perspective, as it is foreseen to be a very active and busy period for the Agency due to the current timelines for the entry into force of new systems (Entry-Exit System, ETIAS and potentially ECRIS-TCN). In addition, the Agency will hold the presidency of the EU Agencies’ Network in 2020-2021 as well. All these activities require continuous and experienced leadership of the Agency.
9.11.2017

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs


Rapporteur: Jens Geier

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

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
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.
security, where appropriate.

Amendment 3
Proposal for a regulation
Article 2 – paragraph 1 – point g a (new)

Text proposed by the Commission

(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

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
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.

The Agency shall bear all costs incurred. The budget of the Agency shall 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

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) 1053/20131a; 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
Council1b.

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

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
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

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
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.

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

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
evaluation shall in particular assess the possible need to modify the mandate of the Agency and the financial implications of any such modification.

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

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.

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, 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

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 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.

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 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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
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Amendment 16

Proposal for a regulation
Article 41 – paragraph 3 – point d

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(d) contributions paid by Member States for the services provided to them in accordance with the delegation agreement referred to in Article 12;</td>
<td>(d) contributions paid by Member States for the services provided to them in accordance with the delegation agreement referred to in Article 12(2);</td>
</tr>
</tbody>
</table>

Justification

This amendment is necessary in support of other amendments.

Amendment 17

Proposal for a regulation
Article 41 – paragraph 3 – point d a (new)
(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

<table>
<thead>
<tr>
<th>Title</th>
<th>European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice</th>
</tr>
</thead>
</table>
| Committee responsible | LIBE  
Date announced in plenary  
11.9.2017 |
| Opinion by | BUDG  
Date announced in plenary  
11.9.2017 |
| Rapporteur | Jens Geier  
Date appointed  
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 Mureșan, Răzvan Popa, Jordi Solé, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti |
| Substitutes present for the final vote | Andrey Novakov, Stanislaw 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

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<td><strong>20</strong></td>
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<td>ECR</td>
<td>Stanislaw Ożóg</td>
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<tr>
<td>GUE/NGL</td>
<td>Marie-Pierre Vieu</td>
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</table>

Key to symbols:
+ : in favour
- : against
0 : abstention
### PROCEDURE – COMMITTEE RESPONSIBLE

<table>
<thead>
<tr>
<th>Title</th>
<th>European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice</th>
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<tbody>
<tr>
<td>Date submitted to Parliament</td>
<td>28.6.2017</td>
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<tr>
<td>Committee responsible</td>
<td>LIBE 11.9.2017</td>
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<tr>
<td>Committees asked for opinions</td>
<td>BUDG 11.9.2017 CONT 11.9.2017</td>
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<tr>
<td>Not delivering opinions</td>
<td>CONT 28.9.2017</td>
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<tr>
<td>Rapporteurs</td>
<td>Monica Macovei 29.6.2017</td>
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<tr>
<td>Discussed in committee</td>
<td>7.9.2017 7.12.2017</td>
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<tr>
<td>Date adopted</td>
<td>7.12.2017</td>
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| Result of final vote | +: 40  
−: 10  
0: 4 |
| Members present for the final vote | Asim Ademov, Jan Philipp Albrecht, Michal Boni, Caterina Chinnici, Rachida Dati, Frank Engel, Cornelia Ernst, Lorenzo Fontana, Ana Gomes, Nathalie Griesbeck, Monika Hohlmeier, Sophia in ‘t Veld, Eva Joly, Barbara Kudrycka, Juan Fernando López Aguilar, Monica Macovei, Louis Michel, Claude Moraes, Ivari Padar, Judith Sargentini, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Auke Zijlstra |
| Substitutes present for the final vote | Kostas Chrysogonos, Maria Grapini, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Marek Jurek, Miltiadis Kyrikos, Jeroen Lenaers, Andrezs Manikins, Maite Pagazaurtundúa Ruiz, Emilian Pavel, John Procter, Christine Revault d’Allonnes Bonnefoy, Axel Voss |
| Substitutes under Rule 200(2) present for the final vote | David Coburn, Nicola Danti, Isabella De Monte, Andor Deli, Agnieszka Kozłowska-Rajewicz, Lukas Mandl, Georg Mayer, Julia Pitera, Francis Zammit Dimech, Flavio Zanonato |
| Date tabled | 18.12.2017 |
## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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<td>Caterina Chinnici, Nicola Danti, Isabella De Monte, Ana Gomes, Maria Grapini, Miltiadis Kyrkos, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Ivari Padar, Emilian Pavel, Christine Revault d'Allonnes Bonnéfoy, Josef Weidenholzer, Flavio Zanonato</td>
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<tr>
<td>VERTS/ALE</td>
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<td>Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat</td>
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