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*Plenary sitting*

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**A9-0116/2022**

7.4.2022

# REPORT

on discharge in respect of the implementation of the budget of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020  
(2021/2140(DEC))

Committee on Budgetary Control

Rapporteur: Tomáš Zdechovský

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on discharge in respect of the implementation of the budget of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020 (2021/2140(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0095/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011<sup>4</sup>, and in particular Article 47 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December

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<sup>1</sup> OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 295, 21.11.2018, p. 99.

2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>5</sup>, and in particular Article 105 thereof,

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0116/2022),
1. Grants the Executive Director of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) discharge in respect of the implementation of the Agency's budget for the financial year 2020;
  2. Sets out its observations in the resolution below;
  3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

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<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

## 2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on the closure of the accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020 (2021/2140(DEC))**

*The European Parliament,*

- having regard to the final annual accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020,
- having regard to the Court of Auditors' annual report on EU agencies for the financial year 2020, together with the agencies' replies<sup>1</sup>,
- having regard to the statement of assurance<sup>2</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2020, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 28 February 2022 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2020 (06003/2022 – C9-0095/2022),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>3</sup>, and in particular Article 70 thereof,
- having regard to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011<sup>4</sup>, and in particular Article 47 thereof,
- having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and

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<sup>1</sup> OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

<sup>2</sup> OJ C 439, 29.10.2021, p. 3. ECA annual report on EU agencies for the 2020 financial year: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59697>.

<sup>3</sup> OJ L 193, 30.7.2018, p. 1.

<sup>4</sup> OJ L 295, 21.11.2018, p. 99.

Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>5</sup>, and in particular Article 105 thereof,

- having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0116/2022),
1. Approves the closure of the accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020;
  2. Instructs its President to forward this decision to the Executive Director of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

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<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

### 3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020 (2021/2140(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the budget of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020,
  - having regard to Rule 100 of and Annex V to its Rules of Procedure,
  - having regard to the opinion of the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Budgetary Control (A9-0116/2022),
- A. whereas, according to its statement of revenue and expenditure<sup>1</sup>, the final budget of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) (the ‘Agency’) for the financial year 2020 was EUR 240 119 000, representing a decrease of 16,74 % compared to 2019, when the Agency’s budget was increased by 40,23 % compared to 2018; whereas the Agency’s budget derives almost exclusively from the Union budget;
- B. whereas the Court of Auditors (the ‘Court’) in its report on the annual accounts of the Agency for the financial year 2020 (the ‘Court’s report’), states that it has obtained reasonable assurance that the Agency’s annual accounts are reliable, and that the underlying transactions as regards revenue are legal and regular in all material aspects; whereas the Court identified a total amount of payments of EUR 10 405 074,69 which it considered not to be compliant with the provision of the relevant framework agreement, representing 4,1 % of the payment appropriations available in 2020, thereby exceeding the materiality threshold set for the audit and resulting in a qualified opinion on the legality and regularity of payments underlying the accounts; whereas, except for those non-compliant payments, the Court concludes that the underlying transactions as regards payments for the year ended 31 December 2020 are legal and regular in all material respects;

#### ***Budget and financial management***

1. Regrets that budget-monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 75,61 % which, although it represents an increase of 31,10 % compared to 2019, is still well below the target; notes, furthermore, that the

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<sup>1</sup> OJ C 114, 31.3.2021, p. 199.

payment appropriations execution rate was 96,24 %, representing an increase of 3,96 % compared to 2019;

2. Notes the observations of the Court on the high amount of carry-overs for Titles II and III of the Agency's budget, notes that the Agency used automatic carry-overs of non-differentiated appropriations for Title II of EUR 10 200 000 (59,4 %) of a total amount of automatic carry-overs of EUR 17 200 000; notes that the Agency also used non-automatic carry-overs of commitment appropriations for Title III of EUR 56 300 000 (23 % of the appropriations in the final budget), mainly related to the European Criminal Records Information System (ECRIS), the European Travel Information and Authorisation System (ETIAS) and the interoperability system, and that those non-automatic carry-overs are significantly lower than the EUR 159 000 000 of non-automatic carry-overs in 2019 (55 % of appropriations in the final adopted budget) while still representing a substantial amount compared to the total budget; notes the Court's conclusion that, although the nature of the Agency's operations may spill over to the following year, the excessive amount of carry-overs for Titles II and III is indicative of various structural issues that affect compliance with Articles 9, 12 and 28 of the Agency's financial rules; calls on the Agency to address those issues;
3. Regrets the fact that the budget implementation was less than planned; calls on the Agency, together with the Commission, to improve the alignment of budgetary planning with the timing of the related legal acts; acknowledges that the Agency has taken steps to improve the situation;

### *Performance*

4. Welcomes the fact that the Agency uses certain tools as key performance indicators to assess the added value provided by its activities and to improve its budget management; notes that the Agency updated its corporate key performance indicators in 2020 with ten out of 30 indicators not changed or only changed editorially, one indicator deleted, one new indicator introduced and other indicators updated for various reasons, such as changes in the regulatory environment of the Agency, insights gathered from audits and availability of better metrics;
5. Notes that, according to the statement of the Agency, it achieved its objectives for 2020 as set out in its establishing regulation, Regulation (EU) 2018/1726<sup>2</sup>, progressed towards the goals and objectives established in the Agency's long-term strategy and delivered the results defined in its 2020 annual work programme, in terms of both outcomes and performance; notes that the performance and availability of the IT systems operated by the Agency was in accordance with the relevant service-level agreements; notes that the implementation of new IT systems, as well as the development of interoperability between the new and the existing systems, continued; notes that the implementation of the new Entry/Exit System (EES) faced a delay of two months as the Justice and Home Affairs Council decided to postpone the entry into operation to allow the Member States more time to prepare; welcomes the fact that for the other new IT-systems the Agency reports that implementation timetables were not

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<sup>2</sup> Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).



negatively affected;

6. Notes that in 2020 the Agency signed a transversal engineering framework (TEF) in order to move away from the silo approach to development and operation of systems; notes that the TEF is aimed at setting up a contractual shell for the design, development, testing and implementation of new IT-systems;
7. Stresses that the Agency offers an important contribution to a safer Union by ensuring the highest levels of information security and data protection for the information entrusted to it, providing high-quality services and helping to align Member States' technological capabilities with their needs; draws attention to the need to take all the necessary measures to avoid any risk to the information processed; notes that the Agency's capacity to both improve existing and develop new information systems was enhanced by its new mandate set out in Regulation (EU) 2018/1726, which entered into force on 11 December 2018; welcomes the continued efforts made by the Agency to adapt to that new mandate in 2020;
8. Welcomes the adoption, in December 2020, by the Commission of the proposal for a e-CODEX regulation; welcomes the agreement reached by the co-legislators in this regard in December 2021; recalls that the Agency will play a crucial role in the successful implementation of the e-CODEX system and that the Commission should envisage appropriate resources dedicated to the increase in the Agency's responsibilities;

### ***Staff policy***

9. Notes that, on 31 December 2020, the establishment plan of the Agency was 89,6 % implemented, with 181 temporary agents appointed out of the 202 temporary agents authorised under the establishment plan (compared to 172 authorised posts in 2019); notes that, in addition, 83 contract agents and 10 seconded national experts worked for the Agency in 2020, out of 111 contract agents and 11 seconded national experts authorised under the establishment plan;
10. Notes with concern the composition of the Agency's senior management with respect to gender (two men (100 %) and no women), of the management board (44 men (81,5 %) and 10 women (18,5 %)), and within the staff overall (184 men (69,7 %) and 80 women (30,3 %)); asks the Agency to ensure gender balance at the management and staff levels in the future; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;
11. Notes the difficulties faced in the Agency's recruitment procedures caused by the COVID-19 pandemic which slowed down the recruitment and onboarding of new staff considerably, with the Agency reporting that 50 % of its recruitment that reached the final phase were directly affected or delayed in taking up duties due to COVID-19 related restrictions; notes that the Agency reports to have launched 25 selection procedures with 19 procedures closed by year-end, resulting in 21 issued and accepted job offers;
12. Notes that the Agency reported that its confidential counsellors received seven completed forms to informally seek information and advice or guidance and support in cases of psychological harassment and situations of conflict; notes that no cases of

formal harassment following receipt of the information were reported, and that there were no harassment cases brought before the General Court in 2020; notes that the confidential counsellors of the Agency are regularly trained and receive support from external experts;

13. Welcomes the fact that the Agency has correctly implemented the Court's recommendation concerning the proper assessment of applications in recruitment procedures;

### ***Procurement***

14. Welcomes the signature of the TEF, the largest tender ever signed by the Agency; notes that the Agency presents the TEF as a significant innovation to the operational sourcing model of the Agency that is expected to generate important gains in the vendor and contract management process, including better value for money, economies of scale and faster procurement processes, while also reducing the Agency's dependence on a relatively small number of vendors; welcomes the innovative approach, encourages the Agency to continue with that approach and calls on the Agency to inform the discharge authority of whether the gains are materialising and on how the risks, inherent to the innovative approach, are being managed by the Agency;
15. Notes that the preparation of the specifications for the call for tenders related to the TEF was completed in January 2020 and that the tender procedure was launched on 29 January 2020 for four lots and associated services, namely Lot 1: design, coordination, quality assurance and integration support, Lot 2: development services, Lot 3: infrastructure (hardware, software and related services), and Lot 4: testing and qualification; notes that the contracts for Lots 1, 2 and 3 were signed in 2020, while Lot 4 was signed in July 2021; notes that it is a significant achievement for the Agency to have completed these procedures, in particular considering the restrictions caused by the COVID-19 pandemic;
16. Notes that the Court found that the Agency signed a specific contract for software that was different from the software offered by the contractor in its tender for the associated framework contract; notes that the Agency did not modify the framework contract; notes that, according to the Court's observation, acquiring a different product that is not included in the price offer, at a different price than the product originally offered, is a deviation from the framework contract; notes the Court's conclusion that the specific contract is non-compliant with the framework contract as is the associated payment of EUR 10 399 834; notes that the Agency acknowledges the Court's observations and underlines that following the issuance of the Court's observation, the Agency responded promptly, signing an amendment to the framework contract in order to rectify the initial omission; notes that the Agency states that the non-compliance did not result in any prejudice to the financial interests of the Agency or the Union as it considers that the expenditure was justified; regrets that the Agency did not follow the appropriate procedures, especially given the substantial amount concerned; notes the extensive considerations that the Agency's executive director presented in a hearing with Parliament's Committee on Budgetary Control on 29 November 2021, stating that the decision to acquire the software in question was a conscious decision of the Agency's management with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; emphasises

that, even though cost-saving opportunities can be assumed, the applicable procurement rules must be followed at all times to ensure that the Union taxpayer gets full value for money through transparent and competitive procurement procedures; calls on the Agency to make sure that procurement rules are respected at all times;

17. Points out that shortage of dedicated administrative positions may have a negative impact on the functioning of the procurement procedures within the Agency; invites the Commission and the Agency to engage in an active dialogue about improving the Agency's establishment plan, especially about the level at which posts are allocated;
18. Notes that the Court found that the Agency signed an order form for maintenance services covering the period from 7 November 2020 to December 2024 (four years), contravening the provisions of the related framework contract that allowed services to be invoiced in advance for one year; notes that the Court concluded that the amount of EUR 5 241 paid to the contractor for services to be provided after 7 November 2021 is irregular; notes that, although it concerns a relatively small amount, the reputational risks of non-respect of procurement rules should be taken into account;

### ***Prevention and management of conflicts of interest, ethics and transparency***

19. Acknowledges the Agency's existing measures and ongoing efforts to secure transparency, prevention and management of conflicts of interest, and whistleblower protection; notes that the Agency has in place rules on the prevention and management of conflicts of interest for members of staff; notes that the Agency's management board, on 23 December 2020, adopted implementing rules on the prevention and management of conflicts of interest for members of staff in order to ensure, in a transparent and consistent manner, the handling of situations where conflicts of interest may arise; notes that those implementing rules are applicable to the Agency's staff, including the executive director and the deputy executive director, seconded national experts, and paid and unpaid interns;
20. Notes with appreciation that for the members of its management board and its senior management, the Agency publishes the declarations of interest on its website; regrets, however, that CVs for the members of its management board are not presented on its website; recalls the call by the discharge authority in the 2019 discharge for the Agency to publish those CVs on the Agency's website in order to increase transparency;
21. Calls on the Agency to take measures to ensure full compliance with Union transparency rules as well as with fundamental rights and data protection standards;

### ***Internal control***

22. Welcomes the Agency's annual assessment of its internal control system that concluded that its internal control system is present, functioning and effective, although some improvements are needed; calls on the Agency to incorporate the Court's observations regarding non-respect of procurement procedures in its assessment and to evaluate the impact of the identified weaknesses on the internal control principles and components;
23. Notes that at the end of 2020 the implementation rate of audit recommendations was 65 % (24 recommendations implemented and 37 recommendations due); notes that in total 31 recommendations were open at the end of 2020 out of which none were

‘critical’; notes with concern that 13 recommendations were past their due date, meaning that the implementation of the recommendation was ongoing though the deadline for implementation had lapsed;

24. Welcomes the progress made regarding the Court’s observations and Parliament’s discharge resolutions from previous years and the fact that the Agency has correctly implemented the Court’s recommendation concerning the proper assessment of applications in recruitment procedures; recalls that work with regard to four remaining observations are still ongoing; calls on the Agency to step up its efforts to implement corrective measures regarding the Court’s outstanding observations;

#### ***COVID response and business continuity***

25. Notes the disruption caused by the COVID-19 pandemic that challenged the Agency’s business continuity and the availability of the existing large-scale IT systems and the implementation of the new systems entrusted to it; welcomes the fact that despite these challenges, the Agency ensured the uninterrupted availability of the existing large-scale IT systems (Schengen Information System (SIS), Visa Information System (VIS) and European Asylum Dactyloscopy database (Eurodac)) and made further progress with respect to the implementation of EES, ETIAS and the interoperability package; notes with appreciation that the mitigating measures taken by the Agency allowed it to reduce the negative impact of the pandemic;
26. Notes that the Agency reduced the physical presence of staff at the Agency’s sites and took measures to maintain healthy workplaces for critical staff, thus ensuring business continuity for the Agency’s systems; notes that the Agency also had to take mitigating measures to reduce the impact of the COVID-19 pandemic on the development and deployment of systems due to disrupted supply chains in the second half of 2020 and due to travel and access restrictions that prevented the availability of staff and contractors to work on site; notes that the Agency, notwithstanding those difficulties, made significant progress on key projects such as the implementation of the second generation SIS (SIS II), phase 2 of the Automated Fingerprint Information System and the integration of new users to SIS and VIS;

#### ***Other comments***

27. Notes with appreciation that the Agency drafted, negotiated and signed bilateral cooperation plans with the European Asylum Support Office (now the European Union Agency for Asylum), the European Union Agency for Fundamental Rights and the European Union Agency for Cybersecurity (ENISA); notes that the Agency also continued its cooperation with other partner agencies, such as the European Union Agency for Law Enforcement Training (CEPOL) on training activities, the European Border and Coastguard Agency on SIS, EES, ETIAS and interoperability, CEPOL on VIS, the Supplementary Information Request at the National Entries (SIRENE), SIS, EES, ETIAS and interoperability, and the European Union Agency for Criminal Justice Cooperation (Eurojust) on Eurodac and SIS;
29. Welcomes the Agency’s active online presence in 2020, inter alia through the ‘Discover eu-LISA’ campaign, the Agency’s participation in 16 joint actions and campaigns with the Union’s justice and home affairs agencies, and the interactive game [quiz.eulisa.europa.eu](http://quiz.eulisa.europa.eu); encourages the Agency to continue promoting its work, research

and activities to increase its public visibility;

30. Welcomes the fact that the Agency made significant progress on the project for building a second extension to its technical site in Strasbourg with the formal land transfer, from French authorities to the Agency, of the 20 000 m<sup>2</sup> plot adjacent to its current building complex that will serve as the site for the new extension;

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31. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of [...] 2022<sup>3</sup> on the performance, financial management and control of the agencies.

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<sup>3</sup> Texts adopted, P9\_TA(2022)0000.

## **OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) for the financial year 2020  
(2021/2140(DEC))

Rapporteur for opinion: Ramona Strugariu

### **SUGGESTIONS**

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

1. Welcomes the fact that the Court of Auditors (the ‘Court’) has declared that the transactions underlying the annual accounts of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (the ‘Agency’) for the financial year 2020 are legal and regular in all material respects and that the Agency’s financial position at 31 December 2020 is fairly presented; highlights that in 2020 the Agency’s budget increased from EUR 219 million to EUR 256 million (an increase of 16,9 %) and its staff from 223 to 274 (an increase of 22,9 %);
2. Stresses that the Agency offers an important contribution to a safer Union by ensuring the highest levels of information security and data protection for the information entrusted to it, providing high-quality services and helping to align Member States’ technological capabilities with their needs; draws attention to the need to take all the necessary measures to avoid any risk to the information processed; notes that the Agency’s capacity to both improve existing and develop new information systems was enhanced by its new mandate which entered into force in December 2018; welcomes the continued efforts made by the Agency to adapt to that new mandate in 2020;
3. Welcomes the adoption, in December 2020, by the Commission of the proposal for the new e-CODEX Regulation; welcomes the agreement reached by the co-legislators in this regard; recalls that the Agency will play a crucial role in the successful implementation of the e-CODEX system and that the Commission should envisage appropriate resources dedicated to the increase in responsibilities for the Agency;
4. Acknowledges that the Court issued a qualified audit opinion with respect to the legality and regularity of the payments underlying the accounts of the Agency for the 2020; notes the Court’s explanation that the qualified opinion was issued in relation to two



payments that were considered not to comply with the provisions of framework contracts entered into by the Agency, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations available in 2020; stresses that the largest of those payments is related to an order form for maintenance services covering a period of four years, whereas the framework contracts only allowed services to be invoiced in advance for one year; notes the Agency's reply that this irregular payment was connected to a specific contract regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract, and that the fact that the Agency did not amend the respective framework contract in time was a purely administrative matter; notes the Agency's explanation that its intention was to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) and that that was of a purely operational nature, with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; highlights that the non-compliance did not result in any prejudice to the financial interests of the Agency or the Union; stresses the importance of compliance with framework contracts to avoid reputational risks, especially considering the large amount involved, and considers that any suggestion to reduce the overall operational costs of the Agency should be planned in advance; underlines that following the issuance of the Court's observation, the Agency responded promptly, signing an amendment to the framework contract in order to rectify the initial omission; points out that shortcomings in dedicated administrative positions may have a negative impact on the functioning of the procurement procedures within the Agency; calls on the Agency to ensure that procurement procedures are always respected; invites the Commission and the Agency to engage in an active dialogue on the improvement of the Agency's establishment plan, especially with regard to the level at which posts are allocated;

5. Welcomes the significant decrease in carry-overs as compared to the Agency's very low budget implementation in 2019 (55 % of appropriations in the final adopted budget); regrets that the rate of carry-overs remain substantial compared to the total budget, especially with regards to Title II (59,4 %) and Title III (23 %); notes the Court's conclusion that even though the nature of the Agency's operations may spill over to the following year, the large amount of carry-over from the above mentioned titles is indicative of various structural issues with regard to Articles 9, 12 and 28 of the Agency's financial rules; calls on the Agency to address those issues and to further ensure the respect of the principle of annuality;
6. Regrets the fact that the budget implementation was less than planned; calls on the Agency, together with the Commission, to improve the alignment of budgetary planning with the timing of the related legal acts; acknowledges that the Agency took steps to improve the situation;
7. Welcomes the progress made regarding the Court's observations and Parliament's discharge reports from previous years and the fact that the Agency has correctly implemented the Court's recommendation concerning the proper assessment of applications in recruitment procedures; recalls that work with regard to four remaining observations are still ongoing; calls on the Agency to step up its efforts to implement corrective measures regarding the Court's outstanding observations;
8. Welcomes the fact that despite the COVID-19 pandemic, which had an impact on the

Agency's business continuity, the Agency ensured the uninterrupted availability of the existing large-scale IT systems (SIS, VIS, Eurodac) and made further progress with the implementation of EES, ETIAS and the interoperability package;

9. Welcomes the fact that the Agency improved its cooperation with other Union agencies, especially with the European Asylum Support Office (now the European Union Agency for Asylum), the European Union Agency for Fundamental Rights, the European Union Agency for Law Enforcement Training (CEPOL), the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Border and Coastguard Agency; encourages the Agency to keep exploring possibilities for further cooperation;
10. Calls on the Agency to take measures to ensure full compliance with Union transparency rules as well as with fundamental rights and data protection standards;
11. Appreciates the Agency's annual assessment of its internal control system which showed that its internal control system is present, functioning and overall effective; calls on the Agency to analyse and to address identified weaknesses in the internal control system;
12. Regrets the lack of gender balance and diversity in the Management board and within the staff of the Agency; (AM 19 Greens) notes with regret that the figures reported for 2020 in senior management were two men (100%) and no women and on the management board 44 men (81,5 %) and 10 women (18,5 %) with an overall staff composition of 184 men (69,7 %) and 80 women (30,3 %); reminds the Member States to consider the need to achieve gender balance when nominating members to the management board of the Agency;
13. Welcomes the launch of a new approach towards the procurement of engineering services, expected to generate efficiency gains in the years to come;



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.2.2022
<b>Result of final vote</b>	+: 63 -: 5 0: 1
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Ralf Seekatz, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Malin Björk, Tanja Fajon, Daniel Freund

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>63</b>	<b>+</b>
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Peter Kofod, Annalisa Tardino, Tom Vandendriessche
NI	Laura Ferrara, Martin Sonneborn
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Ralf Seekatz, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Tanja Fajon, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Alice Kuhnke, Diana Riba i Giner, Tineke Strik

<b>5</b>	<b>-</b>
ID	Marcel de Graaff
NI	Milan Uhrik
The Left	Malin Björk, Clare Daly, Cornelia Ernts

<b>1</b>	<b>0</b>
The Left	Konstantinos Arvanitis

Key to symbols:

+ : in favour

- : against

0 : abstention

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	31.3.2022
<b>Result of final vote</b>	+: 27 -: 2 0: 1
<b>Members present for the final vote</b>	Matteo Adinolfi, Gilles Boyer, Olivier Chastel, Caterina Chinnici, Lefteris Christoforou, Corina Crețu, Ryszard Czarnecki, José Manuel Fernandes, Raffaele Fitto, Luke Ming Flanagan, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, Pierre Karleskind, Mislav Kolakušić, Joachim Kuhs, Ryszard Antoni Legutko, Claudiu Manda, Alin Mituța, Jan Olbrycht, Younous Omarjee, Markus Pieper, Michèle Rivasi, Petri Sarvamaa, Angelika Winzig, Lara Wolters, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Bas Eickhout, Tsvetelina Penkova, Viola Von Cramon-Taubadel

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

27	+
ECR	Ryszard Czarnecki, Raffaele Fitto, Ryszard Antoni Legutko
ID	Jean-François Jalkh, Joachim Kuhs
NI	Mislav Kolakušić
PPE	Lefteris Christoforou, José Manuel Fernandes, Monika Hohlmeier, Jan Olbrycht, Markus Pieper, Petri Sarvamaa, Angelika Winzig, Tomáš Zdechovský
Renew	Gilles Boyer, Olivier Chastel, Pierre Karleskind, Alin Mituța
S&D	Caterina Chinnici, Corina Crețu, Isabel García Muñoz, Claudiu Manda, Tsvetelina Penkova, Lara Wolters
Verts/ALE	Bas Eickhout, Michèle Rivasi, Viola Von Cramon-Taubadel

2	-
The Left	Luke Ming Flanagan, Younous Omarjee

1	0
ID	Matteo Adinolfi

Key to symbols:

+ : in favour

- : against

0 : abstention