



2021/2140(DEC)

4.3.2022

AMENDMENTS

1 - 10

Draft report

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(PE698.982v01-00)

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

Amendment 1

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Proposal for a decision 1

Paragraph 1

Proposal for a decision

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 / ***Postpones its decision on granting 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;***

Amendment

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;

Or. en

Amendment 2

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Proposal for a decision 2

Paragraph 1

Proposal for a decision

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 / ***Postpones 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;***

Amendment

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;

Amendment 3

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution

Paragraph 1

Motion for a resolution

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, it is still well below the target; notes, furthermore, that the payment appropriations execution rate was 96,24 %, representing an increase of 3,96 % compared to 2019;

Amendment

1. ***Notes*** 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, it is still well below the target; notes, furthermore, that the payment appropriations execution rate was 96,24 %, representing an increase of 3,96 % compared to 2019;

Or. en

Amendment 4

Caterina Chinnici

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Notes with concern the composition of the Agency's senior management with respect to gender, with two men (100 %) and no women, of the management board with 44 men (81,5 %) and 10 women (18,5 %), and within the staff overall with 184 men (69,7 %) and 80 women (30,3 %);

Amendment

7. Notes with concern the composition of the Agency's senior management with respect to gender, with two men (100 %) and no women, of the management board with 44 men (81,5 %) and 10 women (18,5 %), and within the staff overall with 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;***

Amendment 5
Caterina Chinnici

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

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

Or. en

Amendment 6
Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. **Notes** 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;

10. **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;

Amendment 7

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution**Paragraph 12***Motion for a resolution*

12. 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 *states that it has taken measures to strengthen the alignment of the evolution of the Agency's IT architecture with its contractual* framework; 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 *that presented cost-saving opportunities* for the Agency;

Amendment

12. 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*

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;

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;

Or. en

Amendment 8

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution Paragraph 12 a (new)

Motion for a resolution

Amendment

12 a. 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;

Or. en

Amendment 9

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution Paragraph 18

Motion for a resolution

Amendment

18. Notes the disruption caused by the

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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; ***notes that*** the Agency ***managed*** to reduce the negative impact ***by taking mitigating measures***;

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 that despite these challenges***, the Agency ***ensured the uninterrupted availability of the existing large-scale IT systems (SIS, VIS and 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***;

Or. en

Amendment 10

Ramona Strugariu, Olivier Chastel, Gilles Boyer, Pierre Karleskind, Alin Mituța, Katalin Cseh

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes 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, for example with the European Union Agency for Law Enforcement Training (CEPOL) on training activities, with the European Border and Coastguard Agency on SIS, the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) and interoperability, with CEPOL on the Visa Information System (VIS), the Supplementary Information Request at the National Entries (SIRENE), SIS, EES, ETIAS and interoperability; and with the

Amendment

20. 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, for example with the European Union Agency for Law Enforcement Training (CEPOL) on training activities, with the European Border and Coastguard Agency on SIS, the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) and interoperability, with CEPOL on the Visa Information System (VIS), the Supplementary Information Request at the National Entries (SIRENE), SIS, EES, ETIAS and interoperability; and

European Union Agency for Criminal
Justice Cooperation (Eurojust) on the
European Asylum Dactyloscopy database
(Eurodac) and SIS;

with the European Union Agency for
Criminal Justice Cooperation (Eurojust) on
the European Asylum Dactyloscopy
database (Eurodac) and SIS;

Or. en