



2021/2140(DEC)

18.1.2022

AMENDMENTS

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Draft opinion
Ramona Strugariu
(PE702.930v01-00)

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
Caterina Chinnici

Draft opinion
Paragraph 1

Draft opinion

1. Welcomes the fact that the Court of Auditors (the ‘Court’) has declared 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 to be legal and regular in all material respects; 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 %);

Amendment

1. Welcomes the fact that the Court of Auditors (the ‘Court’) has declared 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 to be legal and regular in all material respects ***and that its 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 %);

Or. en

Amendment 2
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Regrets the fact that the budget implementation was less than planned; calls on the Agency, together with the Commission, to improve alignment of budgetary planning with the timing of the related legal acts; acknowledges that the Agency made steps to improve the situation;

Amendment

Or. en

Amendment 3
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. 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;

Or. en

Amendment 4
Saskia Bricmont

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations

available in 2020; takes note of the Agency's reply that the largest irregular payment was connected to an administrative omission regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract; notes the Agency's explanation that **the need** to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) **was of a pure** operational nature, with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; 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; invites the Commission and the Agency to engage in an active dialogue on improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

available in 2020; **stresses that once of the payments that contravenes the provisions of the framework contract is related to an order form for maintenance services covering a period of four years signed by the Agency, whereas the contract framework only allowed services to be invoiced in advance for one year**; takes note of the Agency's reply that the largest irregular payment was connected to an administrative omission regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract; 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 was thus of an** operational nature, with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; **stresses the importance of compliance with framework contracts to avoid reputational risks 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; invites the Commission and the Agency to engage in an active dialogue on improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

Or. en

Amendment 5
Tomáš Zdechovský

Draft opinion
Paragraph 2

Draft opinion

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations available in 2020; takes note of the Agency's reply that the largest irregular payment was connected to an administrative omission regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract; notes the Agency's explanation that the need to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) was of a pure operational nature, with the purpose of reducing the duplication of training and support efforts, ***ultimately reducing the overall operational costs for the Agency***; 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; invites the Commission and the Agency to engage in an active dialogue on improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

Amendment

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations available in 2020 ***which exceeds the materiality threshold set for the audit***; takes note of the Agency's reply that the largest irregular payment was connected to an administrative omission regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract; notes the Agency's explanation that the need to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) was of a pure operational nature, with the purpose of reducing the duplication of training and support efforts, ***and that non-compliance did not result in any prejudice to the financial interests of the Agency or the Union; regrets, however, that the Agency did not follow procurement procedures, especially considering the large amount involved***; 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 improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

Or. en

Amendment 6

Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion

Paragraph 2

Draft opinion

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations available in 2020; takes note of the Agency's reply that the largest irregular payment was connected to ***an administrative omission*** regarding the acquisition of software different from the software offered by the contractor in the tender for the associated framework contract; notes the Agency's explanation that the need to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) was of a pure operational nature, with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; 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

Amendment

2. 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 compliant to the provisions of framework contracts, amounting in total to EUR 10 405 074 in 2020, representing 4,1 % of the total payment appropriations available in 2020; takes note of the Agency's reply that the largest 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 it was a purely administrative matter that the Agency did not amend the respective framework contract in time***; notes the Agency's explanation that the need to change one of the auxiliary software products used in the operation of the shared biometric matching System (sBMS) was of a pure operational nature, with the purpose of reducing the duplication of training and support efforts, ultimately reducing the overall operational costs for the Agency; underlines that following the issuance of the Court's observation, the Agency responded promptly, signing an amendment to the

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 on improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

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; invites the Commission and the Agency to engage in an active dialogue on improving the Agency's establishment plan, especially with respect to the level at which posts are allocated;

Or. en

Amendment 7
Saskia Bricmont

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Regrets that several of the Court's observations previous years are still outstanding; calls on the Agency to step up its efforts to implement corrective measures regarding the Court's outstanding observations;

Or. en

Amendment 8
Tomáš Zdechovský

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. 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

3. 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 %); calls on the Agency to further ensure the respect of the principle of annuality;

Title II (59,4 %) and Title III (23 %); *notes the conclusion of the Court 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 affecting compliance with the Agency's financial rules*; calls on the Agency *to address those issues and* to further ensure the respect of the principle of annuality;

Or. en

Amendment 9 Saskia Bricmont

Draft opinion Paragraph 3

Draft opinion

3. 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 %); calls on the Agency to **further** ensure the respect of the principle of annuality;

Amendment

3. Welcomes the decrease in carry-overs as compared to the Agency's low budget implementation in 2019 (55 % of appropriations in the final adopted budget); **regrets that, according to the Court, the excessive amount of carry-overs is indicative of various structural issues affecting compliance with Articles 9, 12 and 28 of the Agency's financial rules**; **further** 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 %); calls on the Agency to ensure the respect of the principle of annuality;

Or. en

Amendment 10 Caterina Chinnici

Draft opinion Paragraph 3 a (new)

3 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 11
Malin Björk**

**Draft opinion
Paragraph 4**

Draft opinion

4. Welcomes that despite the COVID-19 pandemic, 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;

Amendment

deleted

Or. en

**Amendment 12
Tomáš Zdechovský**

**Draft opinion
Paragraph 4**

Draft opinion

4. Welcomes that despite the COVID-19 pandemic, 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;

Amendment

4. Welcomes that despite the COVID-19 pandemic, *which influenced 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;

Or. en

Amendment 13
Saskia Bricmont

Draft opinion
Paragraph 4

Draft opinion

4. ***Welcomes*** that despite the COVID-19 pandemic, 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;

Amendment

4. ***Notes*** that despite the COVID-19 pandemic, 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;

Or. en

Amendment 14
Tomáš Zdechovský

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Welcomes 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 with the European Border and Coastguard Agency; encourages the Agency to keep exploring possibilities for further cooperation;

Or. en

Amendment 15

Saskia Bricmont

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. 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; considers that the disclosure of meetings and interactions between the Agency and third parties is required to ensure enhanced transparency;

Or. en

Amendment 16
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Welcomes the progress made regarding the Court's observations and Parliament's discharge reports from previous years; recalls that four remaining observations are still ongoing, one of them not being under the control of the Agency;

Or. en

Amendment 17
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. 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 recalls that the Commission should envisage appropriate resources dedicated to that increase in responsibilities for the Agency;

Or. en

Amendment 18
Tomáš Zdechovský

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. 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 principles;

Or. en

Amendment 19
Saskia Bricmont

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. Regrets the lack of gender balance and diversity in the Management board and within the staff of the Agency;

Or. en

Amendment 20
Tomáš Zdechovský

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4 c. Notes that the gender balance reported for 2020 in senior management is two men (100%) and no women; notes that the gender balance on the management board is 44 men (81,5 %) and 10 women (18,5 %); notes that the staff overall is composed of 184 men (69,7 %) and 80 women (30,3 %); reminds the Member States to consider gender balance when nominating members to the management board of the Agency;

Or. en

Amendment 21
Ramona Strugariu, Olivier Chastel, Michal Šimečka

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4 c. Welcomes the launch of a new approach towards the procurement of engineering services, expected to generate efficiency gains in the years to come;

Or. en