

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

2017/0145(COD) - 18/12/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Monica MACOVEI (ECR, RO) on the proposal for a regulation of the European Parliament and of the Council on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, and amending Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) 1077/2011.

As a reminder, the aim of the 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.

Aims: Members pointed out that the Agency shall, *inter alia*, ensure:

- effective, secure and continuous operation of large-scale IT systems in order to ensure continuous improvement of data quality;
- a high level of **data protection**, in line with relevant Union legislation;
- an **appropriate level of security**, including the implementation of a proper information security risk management process;
- the provision of adequate **statistics** to the Commission and to the relevant Union decentralised agencies.

Interoperability: the proposal provides for the Agency to develop the necessary measures to enable interoperability of systems, subject, where appropriate, to the adoption of the relevant legislative instruments.

Considering the risks posed to the right to privacy and the right to data protection, Members stated that interoperability cannot be implemented **without a specific legal basis, comprising an impact assessment and a feasibility study**. This is why they removed that provision.

Assistance to the Member States and the Commission: any Member State may request the 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**.

Legal status and location: 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. Members envisaged the **possibility of creating new technical sites**. No later than 15 months after the entry into force of the Regulation, the Commission shall assess the existing and future needs of the Agency in terms of the hosting capacity of existing sites.

Transparency: Members proposed that the rules adopted by the Management Board on the prevention and management of **conflicts of interest** of its members and the annual, written statement of commitment of the Members of the Management Boards, the executive Director and the members of the Advisory

Groups shall be published on the **website of the Agency**. Moreover, the Agency is called on to adopt internal rules on the protection of **whistle-blowers**.

Management Board, the Executive Director and the Deputy Executive Director: 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 Executive Director and the Deputy Executive Director shall be independent in the performance of their respective duties.

The Management Board shall evaluate the performance of the Agency. It shall also adopt internal rules to **control the use and access of large-scale IT systems** by Agency staff.

The Agency shall have **sufficient budgetary and staff resources** at its disposal so that it does not need to outsource its tasks and duties to private companies.

Cooperation with the Union's institutions, bodies, offices and agencies: 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. This cooperation shall take place within the framework of practical **working arrangements setting out cost recovery mechanisms**.

Third countries: 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.

Members want to provide a sufficient legal basis for the Agency to establish and maintain **relations with international organisations** and other relevant entities of bodies (such as Interpol and IATA) for the implementation of proposals on the [Entry-Exit System](#) and [ETIAS](#).