

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

2017/0145(COD) - 05/07/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 541 votes to 71, with 20 abstentions, a legislative resolution 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.

The European Parliament's position, adopted at first reading under the ordinary legislative procedure, amended the Commission proposal as follows:

**Tasks:** the Agency established by this Regulation replaces and succeeds the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice as established by Regulation (EU) No 1077/2011. It shall be responsible for the operational management of the Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac, as well as the preparation, development and/or operational management of the Entry/Exit System ([EES](#)), DublinNet and the European Travel Information and Authorisation System ([ETIAS](#)).

**Technical solutions:** the amended text specifies that the Agency shall be able to implement technical solutions in order to comply with the availability requirements laid down in the legislative instruments governing the systems under the responsibility of the Agency while fully respecting the specific provisions of those instruments with regard to the technical architecture of the respective system.

Where those technical solutions require a duplication of a system or a duplication of components of a system an independent impact assessment and cost-benefit analysis shall be carried out and a decision shall be taken by the Management Board following the consultation of the Commission. The assessment shall also include an examination of the needs in terms of hosting capacity of the existing technical sites related to the development of such solutions and the possible risks of the current operational set up.

**Tasks related to the communication infrastructure:** when carrying out those tasks all external private-sector entities or bodies, including the network provider, shall be bound by the security measures and shall have no access to any operational data stored in the large scale IT systems operated by the Agency or transferred through the communication infrastructure or to the SIS II SIRENE-related exchange by any means.

**Interoperability:** where interoperability of large-scale information systems has been stipulated in a relevant legislative instrument, the Agency shall develop the necessary actions to enable that interoperability.

**Support to Member States and the Commission:** any Member State may request the Agency to provide advice with regard to its national systems' connection to the central systems. Any Member State may submit a request for ad-hoc support to the Commission which, subject to its positive assessment that such support is required by security or migratory extraordinary needs, shall transmit it, without delay, to the Agency, which shall inform the Management Board. The Member State shall be informed in case the Commission's assessment is negative.

The requesting Member States may task the Agency to establish a common component or router for advance passenger information and passenger name record data as a technical support tool to facilitate connectivity with air carriers. In such case eu-LISA is to collect centrally the data from air carriers and transmit those data to the Member States via the common component or router. The requesting Member States are to adopt the necessary measures to ensure air carriers transfer the data via eu-LISA.

**Location:** the Agency shall have its seat in Tallinn (Estonia). The tasks relating to development and operational management shall be carried out in the technical site in Strasbourg, France. A backup site capable of ensuring the operation of a large-scale IT system in the event of failure of such a system shall be installed in Sankt Johann im Pongau, Austria.

Due to the specific nature of the large-scale IT systems, should it become necessary for the Agency to establish a second separate technical site either in Strasbourg or in Sankt Johann im Pongau or in both locations, as required, in order to host the systems, such need shall be justified on the basis of an independent impact assessment and cost-benefit analysis.

**Executive Director:** 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.

Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the Parliament and answer questions from the committee members. If the Management Board takes a decision to appoint a candidate other than the candidate whom the Parliament indicated as its preferred candidate, the Management Board shall inform the Parliament and the Council in writing of the manner in which the opinion of the Parliament was taken into account.

The Executive Director shall be assisted by a Deputy Executive Director appointed by the Management Board on the proposal of the Executive Director.

**Cooperation with international organisations and other relevant entities:** where so provided by a Union act, in so far as it is necessary for the performance of its tasks, 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.