**ORDINARY LEGISLATIVE PROCEDURE – first reading**

**Follow up to the European Parliament legislative resolution of 5 July 2018 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**

**2017/0145 (COD)**

**1. Rapporteur:** Monica MACOVEI (ECR/RO)

**2. EP reference number:** A8-0404/2017 / P8\_TA-PROV(2018)0310

**3. Date of adoption of the resolution:** 5 July 2018

**4. Subject:** European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)

**5. Interinstitutional reference number:** 2017/145 (COD)

**6. Legal basis:** Article 74, Article 77(2)(a) and (b), Article 78(2)(e),Article 79 (2) (c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) of the Treaty on the Functioning of the European Union

**7. Competent Parliamentary Committee:** Committee on[Civil Liberties, Justice and Home Affairs](http://www.europarl.europa.eu/committees/en/libe/home.html) (LIBE)

**8. Commission's position:**

The Commission can accept the amendments introduced by the co-legislators, as they do not change substantially the Commission's proposal, and in order to enable a swift adoption of this measure, which will improve the functioning of the Agency and enhance and strengthen its role to ensure that its mandate meets the current challenges at EU level in the area of freedom, security and justice. The Agency will develop and manage new systems (the EES and the ETIAS) and will have an extended mandate on research and proofs of concept. It will also support Member States and the Commission at their request. In particular, the Agency will be able to provide support to a group of at least five Member States, at their request, by developing, managing or hosting a common IT component to assist them in implementing technical aspects of their obligations deriving from Union legislation on decentralised systems. The agency is also given the mandate for the technical implementation and the development of interoperability between the large-IT systems in this policy area, subject to the adoption of the relevant legislative instruments.

However, the co-legislators' final compromise deviates from the Common Approach on decentralised agencies which justify the adoption of a declaration by the Commission. Therefore the Commission decided to make a declaration vis-à-vis the European Parliament and the Council stating that it regretted that on several points, the co-legislators have decided to deviate from the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, without providing the necessary justification:

"*The Commission regrets that on several points, the co-legislators have decided to deviate from the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, without providing the necessary justification. This relates in particular to deviations from the procedure for appointing and dismissing the Executive Director of eu-LISA, for which no justification was given and which risk affecting the autonomy of the Agency, and for automatically extending the Executive Director's mandate. The Commission also regrets the deviation from the Joint Statement with regard to the process for conducting an overall evaluation of the Agency, which could be a way to interfere with the independence of the Commission in conducting this evaluation. The Commission will consult the Management Board as part of its general stakeholder consultation activities. The Commission will assess the impact of those deviations on the functioning of the Agency at the appropriate opportunity. They should not be considered as a precedent for other agencies.*"

**9. Outlook for amendment of the proposal:** There is no need for a formal modified proposal, as there is already agreement between the European Parliament and the Council, agreed by the Commission.

**10. Outlook for the adoption of Council's position:** The Council is expected to adopt the proposal on September or October2018.