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COVER NOTE

from:	Ms Barbara PRAMMER, President of the National Council of Austria
date of receipt:	30 April 2010
to:	Mr Miguel Angel MORATINOS, President of the Council of the European Union
Subject:	Proposal for a Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

Delegates will find attached a copy of the above letter.

Ms Barbara Prammer

REPUBLIC OF AUSTRIA
National Council
President

To
the President of the Council
of the European Union
Mr Miguel Ángel MORATINOS

Rue de la Loi 175
1048 Brussels
Belgium

Dear Mr Moratinos,

Vienna, 27 April 2010

At its meeting on 8 April 2010 on the EU submission:

COM (10) 93 final

Amended Proposal for a Regulation (EU) No / of the European Parliament and of the Council
on establishing an Agency for the operational management of large-scale IT systems in the area of
freedom, security and justice

(28316/EU XXIV.GP)

the Main Committee's Standing Subcommittee on European Affairs adopted the following
statement:

"Committee Statement

concerning the amended Proposal for a Regulation (EU) No / of the European Parliament and
of the Council on establishing an Agency for the operational management of large-scale IT systems
in the area of freedom, security and justice (COM (10) 93 final 28316/EU XXIV.GP).

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The legal instrument establishing the second-generation Schengen Information System (SIS II), the legal instrument establishing the Visa Information System (VIS) and the instrument establishing EURODAC contain provisions regarding the long-term operational management of those three IT systems. Instead of entrusting the operation of these systems to three independent bodies, the Regulation in question is to create a new European Agency to carry out this task. As the Standing Subcommittee on European Union Affairs previously emphasised in its opinion on the Commission Communication to the European Parliament entitled "An area of freedom, security and justice serving the citizen" (14104/EU XXIV.GP), a high level of data protection and, if necessary, the availability of data protection mechanisms need to be guaranteed if efforts are made to strengthen cross-border data exchange. While this proposal does not concern the establishment of a new database or the extension of an existing one, the joint operation of such systems by a single agency undoubtedly has direct consequences for data protection matters – especially given the purpose of the systems in question and their interoperability. These concerns were dealt with at length in the European Data Protection Supervisor's opinion on the original Commission proposal (OJ L 2010/C 70/13). At the same time, the EDPS made recommendations for allaying them. In the opinion of the Main Committee's Standing Subcommittee on European Affairs, the guarantee of a high level of data protection as mentioned above should be a precondition for implementing these recommendations.

In negotiations in the European Union on a Regulation (EU) of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, the competent Federal Government Minister is therefore requested, in the framework of the^{*} by the Commission, to call for the recommendations of the European Data Protection Supervisor to be examined, the matter to be referred to the Data Protection Council and that the National Council be suitably informed.

^{*} Translator's note: word(s) omitted from the original German text.

The EU Subcommittee assumes that the competent Federal Government Minister will act in accordance with this Committee Statement when discussing and voting on this matter in the Council."

Yours sincerely,

(s.)

(Ms Barbara Prammer)
