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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 13 and 14 July 2017
To: Delegations
Subject: Working Party on Information Exchange and Data Protection (DAPIX): eu-LISA

1. Adoption of the agenda

The Working Party adopted the agenda as set out in CM 3490/17.

2. Information from the Presidency

The Working Party took note of the information provided by the Presidency regarding the Presidency team and the provisional planning of meetings to examine the proposal for the Regulation on the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, commonly known as eu-LISA, aiming to achieve the general approach on this file by the end of the Estonian Presidency.

3. 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 Working Party took note of the presentation by the Commission of the proposal for the new eu-LISA Regulation as set out in 10820/17. The Commission representative presented the proposed changes in the current legal basis of eu-LISA, explaining that those changes stem from:

- the evaluation of the Agency, carried out in 2015-2016,
- the recommendations of the Management Board of the Agency,
- the changes in the legislation concerning the existing large-scale IT systems,
- the draft legislation on the creation of new large-scale IT systems,
- the recommendations of the High-Level Expert Group on information systems and interoperability,
- the common approach on decentralised EU agencies of 2012.

The Director of eu-LISA said that the Agency was consulted in the preparation of the legislative proposal, which is expected to extend the mandate of the Agency and further improve its efficiency. The need to find the right balance between the new tasks and available resources was also mentioned.

The Working Party then held a general debate on the proposed Regulation, in particular focusing on some of the new tasks of the Agency, such as ad hoc support to Member States and the development of common IT systems at a request of a group of Member States, as well as the role of eu-LISA in the field of research on the basis of the Presidency note 11182/17.

Most delegations generally welcomed the legislative proposal and the new tasks of the Agency, while some underlined that the extended mandate of eu-LISA should not divert the attention and in particular the resources of the Agency away from its core tasks. The Commission was invited to provide further explanations, possibly with examples, how the support of eu-LISA to Member States would work in practice and indicating possible areas where Member States could request eu-LISA to host/develop centralised solution when implementing decentralised systems. A number of delegations also argued in favour of more significant involvement of the Management Board when deciding to carry out such tasks. The financial aspects of undertaking the new tasks were also discussed. Several delegations mentioned that in the field of research the Agency should focus on biometrics and work in close cooperation with Member States.

The following delegations entered general scrutiny reservations on the proposed Regulation: CY, CZ, DE, DK, ES, FR, FI, HU, LT, NL, NO, SE, SI, SK, PL, PT and UK. The NL, PL and SE delegations also entered parliamentary reservations. The SE delegation entered the linguistic reservation.

The Working Party also completed the first examination of the proposed Regulation Article-by-Article on the basis of the presentation of each Article by the Commission. The discussions mainly focused on the tasks of the Agency and its governance as well as the participation of the Schengen Associated States.

The Presidency invited delegations to submit their written comments on the proposed Regulation by 31 August 2017 with a view to preparing the Presidency compromise text for the next meeting, which would also reflect the additional reservations by some delegations on some specific provisions of the draft Regulation.

4. Any other business

No points were raised under this item of the agenda.