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JAI 1076

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 30 October 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 4512/1/17 REV 1.

2. Information from the Presidency

The Working Party took note of the information by the Presidency regarding the opinion of the European Data Protection Supervisor on the proposed eu-LISA Regulation set out in 13188/17.

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 completed the fourth examination of the proposed Regulation Article-by-Article, including the recitals, on the basis of the revised text set out in 13128/17, as presented by the Presidency.

The Presidency invited delegations to submit their additional written comments on the proposed Regulation by 6 November 2017 with a view to preparing the fourth revised text for further discussion by JHA Counsellors.

Delegations had an extensive exchange of views in relation to the sites of the Agency and the use thereof for active-active operation of the IT systems under its responsibility. Based on the presentation by the Director of eu-LISA at the previous meeting relating to the set up of the technical sites of the Agency and their possible use for active-active operation, delegations raised two issues:

- the possibility for the Agency to develop technical solutions ensuring the availability of the systems under its responsibility 24/7, and
- the hosting capacity of the current premises of the technical sites in Strasbourg and Sankt Johann im Pongau, and the possible need to create additional technical sites.

As regards the first issue, the Presidency explained that the newly proposed recital (13a) clarifies that the Agency itself should be able to implement the necessary technical solutions, including an active-active solution, where the legislative instruments governing the systems under the responsibility of the Agency require the Agency to keep those systems functioning 24/7, based on the impact assessment and a cost-benefit analysis following the consultation of the Commission and the positive decision of the Management Board.

As regards the second issue, the Presidency, supported by the Council Legal Service, explained that the current premises in the existing technical sites could be extended by the Agency to other buildings in Strasbourg and Sankt Johann im Pongau, if necessary and justified by the needs of the Agency and subject to the budgetary procedure. The host Member States would have to be consulted beforehand. The Presidency also explained that the creation of new technical sites in addition to Strasbourg and Sankt Johann im Pongau would require the common accord by the governments of the Member States regarding the location of such new sites, and should be reflected by amending the eu-LISA Regulation.

4. Any other business

No items were raised under this item of the agenda.