



Council of the  
European Union

Brussels, 22 October 2018  
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#### **'I/A' ITEM NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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Subject: Draft Regulation of the European Parliament and of the Council on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (**first reading**)

- Adoption of the legislative act
- Statement

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#### **Commission statement**

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.

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