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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2017) 250 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE COMMISSION STAFF WORKING DOCUMENT EU-LISA EVALUATION Accompanying the document Report from the Commission to the European Parliament and the Council on the functioning of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)

Delegations will find attached document SWD(2017) 250 final.

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COMMISSION STAFF WORKING DOCUMENT

**EXECUTIVE SUMMARY OF THE COMMISSION STAFF WORKING DOCUMENT
EU-LISA EVALUATION**

Accompanying the document

**Report from the Commission to the European Parliament and the Council
on the functioning of the European Agency for the operational management of large-
scale IT systems in the area of freedom, security and justice (eu-LISA)**

{COM(2017) 346 final}
{SWD(2017) 249 final}

1. Outcome of the external evaluation

The external evaluation of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) confirmed that the Agency effectively ensures the operational management of large-scale IT systems in this area and fulfils the tasks laid down in the Regulations as well as new tasks entrusted to it. It also found that eu-LISA effectively contributed to the establishment of a more coordinated, effective and coherent IT environment for the management of large-scale IT systems that support the implementation of Justice and Home Affairs (JHA) policies.

The evaluation therefore provides the necessary reassurance about the continuing validity of the rationale behind creating eu-LISA and its further existence.

However, the evaluation also identified certain shortcomings for all evaluation criteria at both the operational and organisational level, and recommended a number of changes to address them. In its actions, the Agency could (and should) be more efficient, effective and coherent and could also strengthen its relevance and added value.

The evaluation also identified ways in which the Agency could improve, in particular with regard to:

- its mission, tasks and working practices;
- its added value; and
- its contribution towards the EU and the Member States in the future.

This is all the more relevant given the current security and migration challenges facing the EU. This highlights the importance of large-scale IT systems under eu-LISA's operational management for the smooth and secure functioning of the Schengen area.

The evaluation outlined concrete findings and recommendations together with their expected legal, financial and organisational impact. The recommendations were classified as minor (7), important (40), very important (12) and critical (7). Most of the shortcomings can be addressed without amending the applicable legal framework.

The evaluation also identified the possible need to revise/increase the tasks entrusted to eu-LISA and introduced a limited set of recommendations for legislative amendments to the eu-LISA establishing Regulation¹ and to other related instruments (e.g. the legislative instruments that govern the large-scale IT systems operated by the Agency) such as the transfer of the Commission's responsibilities relating to the communication infrastructure to eu-LISA. These amendments are required to improve the functioning and operational effectiveness of the Agency.

The Commission will take account of the outcome of the evaluation when proposing amendments to the applicable legal framework.

¹ Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, 1.11.2011, L 286 p. 1.

2. External evaluation of eu-LISA in a nutshell

eu-LISA was established by Regulation (EU) No 1077/2011 in 2011 and became operational on 1 December 2012.

eu-LISA is responsible for the operational management at central level of the Visa Information System (VIS), Schengen Information System (SIS II) and Eurodac. The Agency took up its core tasks on 1 December 2012 and operates the VIS since 1 December 2012, SIS II since 9 May 2013 and Eurodac since June 2013. It is also envisaged to entrust the Agency with the development and operational management of new systems in the area of freedom, security and justice, such as the Entry/Exit System,² ETIAS³ or the automated system for registration, monitoring and the allocation mechanism for applications for international protection,⁴ subject to the adoption of relevant legislative instruments. The seat of the Agency is Tallinn and the systems are operated from the technical site in Strasbourg. The backup site is located in St. Johann im Pongau, Austria.

Established with 120 establishment plan posts, eu-LISA operated with an agreed EU budget of EUR 80 022 000 in 2016. In general, a significant reinforcement of the Agency is envisaged in the Commission proposals on the Entry/Exit system, the European Travel Information and Authorisation System (ETIAS), Eurodac and the proposal to reform the Dublin system.⁵

Under Article 31 of the establishing Regulation, the evaluation examined the way and the extent to which eu-LISA effectively contributes to the operational management of large-scale IT systems in the area of freedom, security and justice and fulfils the tasks laid down in the Regulation and new tasks entrusted to it. The evaluation could not examine eu-LISA's contribution to the Union strategy aimed at coordinated, cost-effective and coherent IT environment at EU level as this strategy has not yet been established. It therefore examined the Agency's contribution to the establishment of a coordinated, effective and coherent IT environment for the management of large-scale IT systems that support the implementation of JHA policies.

² Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011. COM(2016) 194 final, 6.4.2016.

³ Proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624, COM(2016) 731 final, 16.11.2016.

⁴ Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member States responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), COM(2016) 270 final, 4.5.2016.

⁵ Although an additional budget has been proposed for eu-LISA in light of the Dublin system reform, no additional staff has been envisaged in the proposal.

Article 31(2) of the establishing Regulation stipulates that, on the basis of the evaluation, the Commission, after consulting the Management Board, issues recommendations for changes to the Regulation and forwards them together with the opinion of the Management Board as well as appropriate proposals to the European Parliament, the Council and the European Data Protection Supervisor.

The Commission commissioned an external evaluation while keeping the steering role as the chair of the Steering Committee. In accordance with the establishing Regulation, the Management Board was closely consulted throughout the evaluation. eu-LISA was also heavily involved in this exercise and contributed to its success. Both the Management Board and eu-LISA were also represented in the Steering Committee. In addition, there was a dedicated Inter-Service Steering Group consisting of the representatives of relevant Commission departments, i.e. DG HOME, DG JUST (+SRD), DG HR, DG BUDG and DG DIGIT.

The external evaluation was carried out from March to September 2015. Data analysis, additional data collection where necessary and drafting and completing the final deliverables then took place until March 2016. The external evaluation report and its Annexes were validated by the Steering Committee in April 2016.⁶

The evaluation methodology was based on the four main assessment criteria below and consisted of the inception phase, data collection and analysis phase and finally the judgment phase.

This approach enabled an assessment of the following:

- the extent to which eu-LISA achieved its objectives (*effectiveness*);
- the costs (financial, human resources, time, expertise) directly incurred by the Agency to achieve the results and the way they are allocated and managed (*efficiency*);
- the extent to which eu-LISA cooperation activities are articulated and aligned with those of the main stakeholders, the policies and strategies (*coherence*); and
- the extent to which the creation of the Agency induced benefits in comparison with the previous operational arrangements (*relevance and added value*).

The intervention logic was developed based on a preliminary document review (in particular the regulatory framework), and strategic interviews were conducted. The evaluation questions presented in the terms of reference were also fine-tuned. A detailed analytical framework was then developed: for each evaluation question, precise evaluation criteria, indicators, descriptors as well as the underlying sources of data were identified.

Consultation of the stakeholders by way of interviews and an e-survey together with an extensive documentation review were complemented by 5 case studies: VIS evolutions; Smart Borders pilot; Common shared service studies; Eurodac recast and TESTA-ng.

⁶ http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=DR0116464.