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from: Mr Ioan-Dragos Tudorache  
Interim Executive Director of the Agency for the operational management of  
large-scale IT systems in the area of freedom, security and justice

date of receipt: 17 July 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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Subject: Submission of the 2011 Activity Report of the Agency for the operational  
management of large-scale IT systems in the area of freedom, security and  
justice

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Delegations will find attached the 2011 Activity Report of the Agency for the operational  
management of large-scale IT systems in the area of freedom, security and justice.



Brussels, 12 JUL 2012  
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Mr Uwe Corsepius  
Secretary General  
Council of the European Union

**Subject: Submission of the 2011 Activity Report of the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**

Dear Mr Corsepius,

Please find enclosed the 2011 Activity Report of the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

The Activity Report was adopted by the Management Board of the Agency at its first meeting held on 22 March 2012 and subsequently translated into all official languages of the institutions of the Union, as requested by art 25.2 of the Regulation establishing the Agency.

In accordance with article 12.1 (k) of the Regulation establishing the Agency, the Activity Report is hereby submitted to the Council of the European Union. A similar letter has been sent to:

- Mr Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament;
- Mr Rafael Fernández-Pita Y González, Deputy Director-General, Directorate-General D - Justice and Home Affairs, Council of the European Union;
- Mr Louis Galea, Dean, Chamber IV - Revenue, research and internal policies, and institutions and bodies of the European Union, European Court of Auditors;
- Mr Mark Crisp, Director, Chamber IV - Revenue, research and internal policies, and institutions and bodies of the European Union, European Court of Auditors.

Yours faithfully

SECRETARIAT DU CONSEIL DE L'UNION EUROPÉENNE	
06E12/008195	
REQULE:	17 JUL 2012
<i>(call version)</i>	
M. FERNANDEZ-PITA	
DEST:	M. CORSEPIUS <i>(van de)</i>
DES:	

Ioan-Drăgăș Tudorache  
Interim Executive Director  
of the Agency

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Home Affairs  
Ms. Belinda Pyke, Director of Directorate C, Directorate-General  
Home Affairs  
Mr. Mathias Taube, Chair of the Management Board of the Agency

Enclosure: 2011 Activity Report

**European Agency for the operational management of  
large-scale IT systems in the area of freedom, security  
and justice**

**Activity Report  
2011**

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## 1. INTRODUCTION

Regulation (EU) No 1077/2011 of the European Parliament and of the Council establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter called "the Regulation") was adopted on 25 October 2011 and published in the Official Journal on 1 November 2011.<sup>1</sup> The Regulation entered into force on 21 November 2011. According to the Regulation, the Agency shall take up its responsibilities with regard to its core tasks from 1 December 2012. However, it will not be able to take up its tasks relating to SIS II until this system goes live and is transferred from the Commission to the Agency.

The seat of the Agency is Tallinn, Estonia. The tasks related to the development and operational management of the current and future systems will be carried out in Strasbourg, France. A back-up site (BCU) capable of ensuring the operation of a large-scale IT system in the event of failure of such a system will be installed in Sankt Johann im Pongau, Austria.

In accordance with Article 36 of the Regulation, *"the Commission shall be responsible for the establishment and initial operation of the Agency until the latter has the operational capacity to implement its own budget."* Directorate General Home Affairs (DG HOME), as the parent DG, is in charge of the establishment of the Agency.

In accordance with the Regulation, the Agency's Annual Activity Report for the previous year has to be submitted by the Executive Director to the Management Board after prior consultation of the Advisory Groups and adopted by the Management Board by 31 March each year. It then has to be transmitted by 15 June of the same year to the European Parliament, the Council, the Commission and the Court of Auditors.

Since the Executive Director of the Agency is expected to take up duty during the autumn of 2012 and the first Management Board meeting will be held on 22-23 March 2012, the 2011 Activity Report has been prepared by DG HOME as the Agency's parent DG. The Management Board will discuss it in the first meeting with a view to adopting it and transmitting it to the European Parliament, the Council, the Commission and the Court of Auditors by 15 June 2012, as required by the Regulation.

This report contains an overview of the activities that have been carried out by DG HOME during 2011 for setting-up the Agency, in order to prepare for the smooth arrival of the Executive Director and the Agency staff in 2012.

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<sup>1</sup> OJ L 286, 01.11.2011, p. 1.

## 2. RECRUITMENT

### 2.1. Executive Director

The Commission anticipated the setting up of the Agency by drafting the vacancy notice of the Executive Director post (Grade AD 14) during the summer of 2011. The vacancy notice could therefore be published in the Official Journal on 24 November 2011 (OJ C 344 A), only a few days after the entry into force of the Agency Regulation. The closing date for applications was 22 December 2011. The vacancy notice was also advertised in the international press (The Economist, The Financial Times and The European Voice), on the Europa website and on the DG HOME website.

The Pre-selection Committee, in charge of carrying out a first pre-selection of applicants, was set up on 6 December 2011. The subsequent process foresees a series of selection phases, which will culminate in the appointment of the Executive Director by the Management Board of the Agency, tentatively scheduled for summer 2012.

### 2.2. Agency Staff

Recruitment procedures for the Agency's staff were launched at the end of 2011 in collaboration with the European Personnel Selection Office (EPSO). An *open call for expression of interest* was published on 23 November 2011, covering the following four profiles:

- Management (at grades AD 10 and AD 12);
- Security (at grades AD 5 and AD 7);
- IT Specialists (at grades AD 5, AD 7 and AD 9);
- IT Support and Assistance (at grades AST 3 and AST 5).

All the positions are Strasbourg-based, with the exception of the management profile (where posts will be distributed between the Tallinn and Strasbourg sites). The closing date for applications was 21 December 2011. Approximately 2000 candidates applied to this selection procedure.

This selection process will result in the establishment of a series of reserve lists. Inclusion on the reserve lists will not guarantee recruitment. The Appointing Authority (the Executive Director, or the *interim* Executive Director, should one be assigned), will decide on the appointment of candidates placed on the relevant reserve lists. As envisaged in the Agency Establishment Plan and budget, 75 staff members will be recruited during 2012 and 45 staff members in 2013.

Six selection panels were established in order to handle this recruitment procedure. The panels are composed by members of DG HOME and of the staff representations.

In addition, and following EPSO's advice, it was decided that staff covering the following four profiles would be recruited as much as possible via existing reserve lists:

- General Administration and Coordination;
- Law;
- Finance, Audit and Procurement;
- Administrative and Logistic Support.

To this end, on 3 November 2011 EPSO sent an email to all laureates which were on valid reserve lists in their database and which had not yet been recruited as officials, requesting them to express their interest in approximately 20 positions at the Agency Headquarter in Tallinn by 24 November 2011. A total of 745 applications were received. Review of the received applications started in December 2011, in order to produce a shortlist of suitable candidates to be invited for interview by early 2012.

### **2.3. Commission staff and interim staff supporting the Commission staff**

The Commission has been heavily involved in the preparations for the establishment of the Agency. In order to assist the Commission staff working on the establishment of the Agency, the recruitment of two interim staff was launched in December 2011. Contracts were signed in December 2011 and January 2012.

The two interim staff who started work in January and February 2012, were hired in order to provide assistance on financial and human resources matters.

## **3. AGENCY HEADQUARTERS AND TECHNICAL AND BACKUP SITES**

### **3.1. Agency Headquarters in Tallinn, Estonia**

In line with their commitment to provide the premises for the Agency Headquarters in Tallinn free of charge, the Estonian authorities proposed eight candidate locations to host the Agency Headquarters for a temporary period until the permanent premises are made available.

Four locations were shortlisted by DG HOME and subjected to a thorough on-the-spot assessment with the support of Commission services with the relevant technical and security expertise, namely the Office for Infrastructure and Logistics in Brussels (OIB) and DG Human Resources (HR) Security Directorate.

Following this assessment, the building located at 4, Ravala Street in downtown Tallinn, known as the "EU House" (due to the fact that both the Representation of the European Commission and the Bureau of the European Parliament are located there) has been chosen as most suitable to temporarily host the Agency Headquarters until the permanent premises become available.

The "EU House" has 1,500 sqm of available office space and offers the Agency the possibility to share infrastructure and services with the Representation of the European Commission and the Bureau of the European Parliament.



The Estonian authorities undertook to ensure that the premises fulfil the Agency's needs and comply with the applicable law and technical standards. DG HOME, in liaison with OIB and DG HR Security Directorate, drafted the minimum requirements for the Agency's temporary premises which should be taken into consideration while planning and implementing the required measures.

It is expected that this process will continue until June 2012, when the premises should be made available to the Agency.

### **3.2. Technical site in Strasbourg, France**

The Agency shall take over the operational management of the second generation Schengen Information System (SIS II), the Visa Information System (VIS) and the EURODAC system. The three IT systems are currently located on several distinct sites<sup>2</sup>. Once taken over by the Agency, the IT systems will be operated on an existing technical site in Strasbourg (C.SIS site). Whilst the C.SIS site currently belongs to the French government, France has committed to transfer its property to the Agency free of charge. Furthermore, France has committed to provide the Agency, free of charge, with a 5,000 sqm plot of constructible land adjacent to C.SIS to allow for its future expansion.

The C.SIS site is reaching its limits in hosting capacity in particular with regard to office space and will require substantial rearrangement and/or expansion in order to be reconverted into the technical site of the Agency. The Commission launched a study aiming to assess the current C.SIS site and recommending specific measures for this reconversion into a state-of-the-art data centre for the operation of IT systems with minimum costs and optimal utilisation of resources.

A kick-off meeting with the chosen contractor was held in C.SIS in December 2011 where the methodology and the roadmap of the project implementation were agreed. The conclusions of the study should become available by mid 2012.

## **4. HEADQUARTERS AGREEMENT AND AGREEMENTS CONCERNING THE TECHNICAL AND BACK-UP SITES**

DG HOME conducted preliminary talks with the Estonian authorities on the Headquarters Agreement in Tallinn on 14 September 2011. A meeting with the Austrian authorities on the agreement concerning the backup site was held in Vienna on 10 October 2011, whilst a meeting with the French authorities concerning the technical site was held in Brussels on the 13 October 2011.

A draft Headquarters Agreement was sent to the Estonian authorities on 22 December 2011, with the intention of holding a first exchange of views in early January 2012

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<sup>2</sup> The Central systems of SIS II and VIS are located at the French Data Centre (C.SIS) in Strasbourg, France, while their back-up systems are in a secure site near Salzburg, Austria. EURODAC is located in Commission premises in Luxembourg and Brussels.

(which was held on 16 January 2012). A draft agreement concerning the technical site, based on the model of the Estonian draft agreement, was sent to the French authorities on 31 January 2012. The Commission services sent the Austrian authorities, on 3 February 2012, a document on the requirements for switchover to the back-up site and drafting suggestions for a number of provisions for the draft agreement on the back-up site. The Austrian authorities have undertaken to provide the Commission services with a draft agreement on the back-up site on the basis of this contribution.

The Headquarters Agreement and the agreements concerning the technical and back-up sites will have to be finalised and signed by the Governments of Estonia, France and Austria respectively and by the Executive Director, once he/she is appointed and following the approval of the agreement texts by the Management Board.

## **5. ORGANISATION OF THE INAUGURAL MANAGEMENT BOARD MEETING**

The Commission is responsible for the preparation of the inaugural Management Board meeting in its caretaker function until the Agency becomes operational. The Commission will continue to be responsible for the organisation of all the subsequent meetings until the Executive Director and secretarial support are in place (tentatively scheduled for September 2012). From that moment on, the Commission will gradually hand over responsibility for the organisation of the Management Board meetings to the Executive Director, although it will retain financial responsibility until the Agency is fully financially independent. This is expected by early 2013.

The organisational details regarding the inaugural Management Board meeting, including possible conference venues, were discussed with the Estonian authorities during the mission to Tallinn in September 2011. Following adoption of the Regulation on 25 October 2011, the date for the inaugural Management Board meeting was tentatively set at 22-23 March 2012. The Estonian authorities informed that they would contribute to the event by providing a fully-equipped conference venue as well as offering an official dinner.

The procedure for the adoption of the Commission Decision appointing the Commission representatives to the Management Board was launched on 10 October 2011 and the decision was adopted by the Commission on 12 January 2012.

In addition, a letter inviting Member States to nominate their representatives and their alternates to the Management Board was sent on 5 December 2011. Member States were requested to reply by 22 January 2012, as required by article 13.2 of the Agency Regulation.

On 21 December 2011, DG HOME signed a contract with an external contractor, which will be in charge of all logistic requirements related to the organization of the meeting, such as accommodation and travel arrangements, meals, interpretation, conference material and support. The contract also covers travel and accommodation costs for all the Members of the Management Board and their alternates. Furthermore, the contract foresees the option of organizing two additional Management Board meetings (tentatively scheduled for June and September 2012).

## 6. ORGANISATION OF THE INAUGURAL ADVISORY GROUPS MEETINGS

As with the Management Board meetings, the Commission is responsible for the preparation of the Advisory Groups meetings until the Agency becomes operational. Therefore, the Commission signed on 21 December 2011 another contract with an external contractor for the organisation of the logistic requirements of the inaugural meetings of the Advisory Groups in all three configurations (SIS II, VIS and EURODAC), which will take place in Tallinn. These are tentatively scheduled for June 2012. The contract foresees the option of organizing the subsequent round of Advisory Group meetings.

The procedure for the adoption of the Commission Decision appointing the Commission representatives to the Advisory Groups of the Agency was initiated before the end of 2011 and launched on 27 January 2012. Adoption by the Commission is foreseen in February 2012.

## 7. SERVICE LEVEL AGREEMENTS<sup>3</sup>

An SLA with the European Personnel Selection Office (EPSO) was negotiated throughout the second semester of 2011 and signed on 20 December 2011. In accordance with the SLA, EPSO provides assistance to DG HOME in organising the selection procedures with a view to the recruitment of the Agency's staff (both temporary agents to be recruited via the *open call for expression of interest* published in November 2011 and temporary agents to be recruited via existing EPSO reserve lists) and ensures the transparency and standardisation of the selection procedures.

In addition, negotiations on the following four SLAs were initiated in 2011, with a view to concluding them in early 2012:

1. The SLA with the Office for Infrastructure and Logistics - Brussels (OIB) on the provision of technical assistance in the process of setting up the Agency headquarters in Tallinn. According to the draft SLA, OIB will provide expertise to DG HOME with regard to making the arrangements necessary to ensure that the premises of the Agency Headquarters in Tallinn comply with applicable law and standards pertaining to technical and security requirements on buildings. OIB will also assist in overseeing the implementation of these measures on-the-spot.
2. The SLA with OIB to provide temporary office space in Brussels for a number of newly-recruited key staff members of the Agency. About 15 Agency staff should

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<sup>3</sup> A Service Level Agreement (SLA) is a formal written agreement made between two parties: the service provider (a DG or an Agency) and the service recipient (for example an Agency), with a view to providing specific services to the recipient.

be recruited and take up duty in order to support the establishment of the Agency from Brussels for a limited period of time, before the temporary premises in Tallinn are made available (expected June 2012).

3. The SLA with the Translation Centre for the Bodies of the EU (CdT) to provide translation services as set out in Article 25(3) of the Regulation.
4. The SLA with DG Budget for the installation of ABAC (computerised central financial and accounting system used by the Commission) on the premises of the Agency. The Agency will use the system to create and validate budgetary and financial transactions, and to introduce requests for validation of Legal Entity and bank account records.

Furthermore, contact was made with the following services with a view to sign other SLAs:

1. Medical and Psychosocial Intervention Service of the DG Human Resources and Security of the European Commission, which organises pre-recruitment medical examinations for the staff of the Agency.
2. The Office for Administration and Payment of Individual Entitlements (PMO), which provides services such as remuneration, sickness insurance, accident insurance, occupational disease insurance, pensions, invalidity and unemployment allowances, preparation of the mission expenses, preparation of the validation of expenses for inviting experts and candidates, preparation of the validation of the expenses for seconded national experts.
3. DG DIGIT for the installation of the s-TESTA network required inter alia for the operations of ABAC on the Agency's premises.
4. DG Human Resources and Security, Directorate for Security with a view to a memorandum of understanding on compliance with the Commission security standards (which is one precondition for the operations of ABAC on the Agency premises).

## **8. IMPLEMENTATION OF THE AGENCY BUDGET IN 2011**

In 2011, the total budget allocated to the Agency consisted of € 5,150,000 under Titles 1 and 2 (expenditure related to staff-recruitment, infrastructure and running costs) and € 300,000 under Title 3 (operating expenditure).

The establishing Regulation was adopted on 25 October 2011. For this reason, only part of the 2011 budget was committed by the end of 2011 (€ 2,214,658). The commitments executed in 2011 are detailed in the following table:

<b>EXPENDITURE 2011</b>	<b>Commitment appropriations (€)</b>	<b>Payment appropriations (€)</b>
<b>Title 1 Staff Expenditure</b>	<b>1,178,707</b>	<b>0</b>
<b>11 Salaries &amp; allowances</b>	0	0
- of which establishment plan posts	0	0
- of which external personnel	0	0
<b>12 Expenditure relating to Staff recruitment</b>	1,178,707	0
<b>13 Mission expenses</b>	0	0
<b>14 Socio-medical infrastructure</b>	0	0
<b>15 Training</b>	0	0
<b>16 External Services</b>	0	0
<b>17 Receptions and events</b>	0	0
<b>Title 2 Infrastructure and operating expenditure</b>	<b>1,035,951</b>	<b>0</b>
<b>20 Rental of buildings and associated costs</b>	446,700	0
<b>21 Information and communication technology</b>	0	0
<b>22 Movable property and associated costs</b>	0	0
<b>23 Current administrative expenditure</b>	0	0
<b>24 Postage / Telecommunications</b>	0	0
<b>25 Meeting expenses</b>	589,251	0
<b>26 Running costs in connection with operational activities</b>	0	0
<b>27 Information and publishing</b>	0	0
<b>28 studies</b>	0	0
<b>Title 3 Operational expenditure</b>	<b>0</b>	<b>0</b>
<b>Operational cost (to be specified by chapter)</b>	0	0
<b>TOTAL EXPENDITURE</b>	<b>2,214,658</b>	<b>0</b>

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### 8.1. Staff Expenditure

Commitments under Title 1 were made for the recruitment of the Executive Director and the Agency staff:

- The publication of the vacancy notice of the Executive Director in international media was undertaken by an external contractor (€ 22,605).
- A contract has been concluded with the European Personnel Selection Office (EPSO) in order to ensure their support of the recruitment of the Agency staff (€ 1,106,102).
- A provision for interim support of DG HOME in the organisation of the recruitment procedures has also been committed (€ 50,000).

### 8.2. Infrastructure and Operating Expenditure

Commitments under Title 2 were made in order to ensure external support with the following actions:

- The organisation of meetings of the Management Board of the Agency and the Advisory Groups in Tallinn (€ 589,251) for year 2012.
- A study assessing the Strasbourg site (C.SIS),<sup>4</sup> and recommending specific measures required for its reconversion into the technical site of the Agency (€ 446,700).

**A total of € 2,214,658 has been committed under Titles 1 and 2. Hence, the remaining appropriations (€ 2,935,342) foreseen for administrative expenditure have not been used by end 2011.** However, the Commission has authorised a non-automatic carry over for the amount of € 1,475,000 to proceed with the following actions, for which provisions have been made in the 2011 budget, and which will have to be completed in 2012:

- Under Title 1, expenditures for reimbursement of travel costs of candidates for jobs in the Agency to the place of testing/interviewing (€ 300,000), a temporary support of the organisation of the recruitment process by interim personnel (€ 200,000), costs of the organisation of recruitment outside Brussels (€ 50,000), services provided by the Medical Service (€ 55,000) and services provided by PMO (€ 60,000).
- Under Title 2, the installation of ABAC on the sites of the Agency (€ 100,000) and the commitments for the refurbishment and equipment of the Agency Headquarter in Tallinn (assistance of OIB with planning and oversight of the reconversion (€ 10,000), furniture including transport and assembly (€ 200,000), PC and IT equipment including servers, setup and installation (€ 200,000), Telecom and video equipment including setup and installation (€ 150,000), security installations such as SAS doors and X-ray tunnels (€ 150,000).

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<sup>4</sup> Central units of SIS 1 and VIS are operated on C.SIS and SIS II is being developed there. Furthermore, other French national IT systems are operated there.

## 9. ARRANGEMENTS DEFINING THE PARTICIPATION OF ASSOCIATED COUNTRIES

Article 37 of the Regulation provides that:

*"Under the relevant provisions of their association agreements, arrangements shall be made in order to specify, inter alia, the nature and extent of, and the detailed rules for, the participation by countries associated with the implementation, application and development of the Schengen acquis and Eurodac-related measures in the work of the Agency, including provisions on financial contributions, staff and voting rights".*

A meeting between the Commission services and representatives of the associated countries was held on 29 September 2011, during which the Commission informed them of the main developments in the set-up of the Agency. In addition, the following points were discussed: internal procedures for acceptance and implementation of the Regulation by the associated countries, procedure and time-frame of negotiations on the arrangement, its content and structure, voting rights and status and transitional period until the arrangement is in place.

The procedure for the adoption of the Recommendation for a Council Decision authorising the opening of negotiations on an arrangement between the European Union, on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in the Agency was launched on 12 October 2011. Adoption by the Commission is foreseen during February 2012.