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Opinion

Title **Impact Assessment on: Operational management of SIS II, VIS, and EURODAC**

(draft version of 14 February 2008)

Lead DG **DG JLS**

1) Impact Assessment Board Opinion

(A) Context

The SIS II legal instruments and the VIS Regulation entrust the Commission with the operational management of the SIS II and VIS during a transitional phase. Thereafter, a Management Authority funded by the general budget of the European Union shall assume responsibility for the operational management of the systems. The nature of the Management Authority is not specified. However, in joint statements attached to the SIS II and VIS legal instruments, the Council and the European Parliament agreed that the Management Authority should be "an agency". In these statements the Commission committed itself to presenting within two years of the entry into force of the SIS II and VIS legal instruments (i.e. by the end of 2008) the necessary legislative proposals to entrust an agency with the long-term operational management of these systems.

(B) Positive aspects

The IA report develops a good set of policy options and assesses these on all relevant dimensions.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The methodology used to score the various policy options should be improved and after the pre-screening of the options, two options rather than one should be assessed in more detail. The occurrence of synergies should be better explained and examined. These points were accepted by JLS during its

meeting with the Board.

(1) The methodology for scoring the options should be improved. The IA report should clearly set out the criteria for scoring the options. The table in annex 2 which summarises all the scores should be presented in the main body of the IA report, and should be improved from a methodological perspective by either adding weighting factors to the various components corresponding to their relative importance before adding up the scores or by not adding up the scores and giving each factor a qualitative importance rating.

(2) Assess and compare the two most promising options in detail. After a screening of all policy options, the IA report assesses in more detail what appears to be the most promising option (a new regulatory agency). It seems, however, that the material difference between the options is not very significant. After having taken into account the previous recommendation about adjustments to the scoring procedure for options, it is recommended to assess in more detail the two options that JLS considers a priori most promising (new regulatory agency and Frontex) and to set out how they would compare to each other in terms of delivery and costs.

(3) Better explain and quantify the (lack of) synergies. Considering that one of the main considerations in weighing the options is the presence or absence of synergies, the IA report should set out in more detail the nature and magnitude of these synergies in terms of resources and in terms of expertise. The IA report should also explain why it would be problematic for existing bodies like Frontex and Europol to take on the management of the IT systems; the assertion that there would be an internal competition for funding in these organisations needs to be better substantiated or dropped.

(D) Procedure and presentation

The main results of the various consultations that were carried out should be presented in the IA report.

2) IAB scrutiny process

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