



**2019-010 REV 1**

**From:** Chairperson of the Management Board

**To:** Management Board

**Subject:** Rules of Procedure of eu-LISA

**RULES OF PROCEDURE**

**OF THE EUROPEAN UNION AGENCY FOR THE OPERATIONAL  
MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF  
FREEDOM, SECURITY AND JUSTICE**

**MANAGEMENT BOARD DECISION NO 2019-010 of 19.03.2019**

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) No 2018/1726 of the European Parliament and of the Council of 14 November 2018 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 (hereinafter referred as 'the Regulation')<sup>1</sup>, and in particular Article 19(1)(g), Article 23(8) and Article 27(5) thereof,

HAS ADOPTED THESE RULES OF PROCEDURE:

## **TITLE I – MANAGEMENT BOARD**

### *Article 1*

#### *Composition of the Management Board*

1. Pursuant to Article 20(1) of the Regulation, the Management Board shall be composed of one representative of each Member State and two representatives of the Commission.
2. Pursuant to Article 20(2) of the Regulation each member of the Management Board shall have an alternate who shall represent the member in his or her absence or in the event that the member is elected Chairperson or deputy Chairperson of the Management Board and is chairing the Management Board meeting.
3. For appointments of members and alternates to the Management Board, the requirements laid down in Article 20(2) of the Regulation shall be respected.
4. In accordance to Article 20(3) of the Regulation, the terms of office of the members and alternates shall be four years and shall be renewable. The transitional arrangements for the members stipulated in Article 54(1) of the Regulation shall apply.
5. Pursuant to Article 20(4), countries associated with the implementation, application and development of the Schengen acquis and with Dublin- and Eurodac-related measures shall appoint one representative and an alternate to the Management Board. The appointments of the members and their alternates shall be notified to the Chairperson of the Management Board. A copy of the appointment letter shall be sent to the Secretariat of the Management Board.
6. Pursuant to Article 29 of the Regulation, a list of members of the Management Board shall be published on the Agency's website.

### *Article 2*

#### *Chairperson of the Management Board*

1. A Chairperson and a Deputy Chairperson shall be elected pursuant to Article 21 of the Regulation from among those members of the Management Board that are appointed by Member States which are fully bound under Union law by all the Union legal acts governing the development, establishment, operation and use of all the large-scale IT systems managed by the Agency.
2. The Chairperson of the Management Board shall be elected by a majority of two-thirds of those members of the Management Board with the right to vote. The vote shall be taken by secret ballot.

The procedure shall be as follows:

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<sup>1</sup> OJ L 295/99, 21.11.2018, p. 1

- (a) The names of those persons wishing to stand as candidates shall be notified before the meeting to the person chairing the election proceedings or announced at the meeting.
  - (b) Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be declared elected unless a member of the Management Board requires a vote.
  - (c) If there is more than one candidate, a ballot shall be held as described below.
  - (d) The candidate who receives the required majority of votes is elected.
  - (e) If no candidate receives the required majority of votes, the two candidates who obtained the highest number of votes go forward to the second ballot. If these two candidates cannot be determined because several candidates receive an equal amount of votes, there shall be a special ballot with respect to the candidates concerned.
  - (f) In the second ballot, the candidate who receives the required majority of votes is elected.
  - (g) If no candidate receives the required majority of votes, the ballot shall be repeated.
  - (h) A candidate may withdraw at any stage of the procedure.
  - (i) A vote shall be deemed to be spoiled, at the decision of the person chairing the meeting, if it does not indicate the designated candidate beyond reasonable doubt.
3. The Management Board shall elect a Deputy Chairperson following the same procedure as stipulated in paragraph 2.
4. The term of office of the Chairperson and the Deputy Chairperson shall be four years. Their terms of office may be renewed once. The transitional arrangements referred to in Article 54(1) of the Regulation shall apply.
5. The election of the successor of the Chairperson or of the Deputy Chairperson shall take place at a meeting of the Management Board convened by the Chairperson to be held at least three months before the end of his/her term of office or of the term of office of the Deputy Chairperson.
6. If the post of the Chairperson or the Deputy Chairperson falls vacant before the end of the term of office, the Deputy Chairperson or the Chairperson, as the case may be, shall convene a meeting of the Management Board to elect a successor, to be held within three months. The member then elected shall serve as the Chairperson or the Deputy Chairperson for a full term of office, or until the end of his/her membership of the Management Board, whichever shall be earlier.
7. The terms of office of the Chairperson and the Deputy Chairperson shall begin on the first day after their predecessor's term of office has expired or, in case the predecessor has left his/her office, on the day of the election.
8. If both the Chairperson and the Deputy Chairperson are unable to attend a meeting, the meeting shall be chaired by the longest serving member of the Management Board or, in the event of equal length of service, by the oldest of the longest serving members.

### *Article 3*

#### *Attendance at Meetings of the Management Board*

1. Members of the Management Board should attend all its meetings. In their absence, they shall be represented by their alternates.
2. The Executive Director or in case of absence the Deputy Executive Director shall participate in all the meetings and deliberations of the Management Board without the right to vote. He/she may be assisted by personnel of the Agency unless the Management Board decides otherwise.
3. Members or alternates of the Management Board may be assisted by advisers or experts in

particular who are members of the Advisory Groups or by any other expert relevant to the subjects of the meetings up to a maximum of 2 per delegation.

4. Europol, Eurojust and the European Border and Coast Guard Agency may attend the meetings of the Management Board as observers in accordance with the rules set out in Article 22(4) of the Regulation.

5. The Management Board may invite any other person whose opinion may be of interest, to attend its meetings as an observer. The participation of external persons shall be limited to duly justified cases based on necessity. The Chairperson in consultation with the Executive Director will assess the justification and will consent the participation of external people.

#### *Article 4*

##### *The Convening of the Management Board Meetings*

1. Meetings of the Management Board shall be convened by the Chairperson.
2. The Management Board shall hold at least two ordinary meetings per year.
3. The meetings of the Management Board shall be convened at the request of any of the following:
  - (a) its Chairperson;
  - (b) at least a third of its members with the right to vote;
  - (c) the Commission;
  - (d) the Executive Director.
4. When the Chairperson convenes a meeting pursuant to paragraph 3(b), (c) or (d), he/she shall convene the meeting within one month of the request at the latest.
5. Without prejudice to paragraph 4 and 6, the convocation and the provisional agenda, accompanied by the relevant material for decision-making, shall be forwarded to the members of the Management Board and their alternates at least two weeks prior to the meeting.
6. When the Management Board is convened to deliberate on a matter of urgency, the meeting shall be convened as soon as possible. The notice of convocation and the provisional agenda shall be transmitted to the members and their alternates as soon as possible before the date of the meeting.

#### *Article 5*

##### *Agenda of the Management Board Meetings*

1. A provisional agenda of the Management Board meeting shall be drawn up by the Chairperson. It shall contain, in addition to questions included in the request pursuant to Article 4(3), any question the inclusion of which is requested by a member.
2. The agenda shall be adopted at the beginning of each meeting. It can be amended by the Management Board at any time prior to the end of the meeting.
3. Agenda items foreseeing a decision by the Management Board shall be referred to explicitly on the agenda.

#### *Article 6*

##### *Deliberations of the Management Board*

1. The presence of at least two thirds of all members with a right to vote shall constitute the quorum necessary for the meeting to be valid. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible.

2. The Chairperson shall conduct the meeting giving priority to members wishing to raise a question of procedure or a preliminary matter.

#### *Article 7*

##### *Voting at Management Board Meetings*

1. Decisions of the Management Board shall be taken by the majority of its members with a right to vote pursuant to Article 23 of the Regulation with the exception of the decisions on the election of its Chairperson and the Deputy Chairperson, adoption of the Agency's annual budget, adoption of the single programming document, appointment, extension of the term of office or removal from office of the Executive Director and the Deputy Executive Director, as well as, in case of a disagreement among members about whether a vote concerns a specific large-scale IT system, decisions which find that this vote does not concern that large-scale IT system, which will all require adoption by a two thirds majority of the Management Board members with a right to vote.
2. Without prejudice to paragraphs 3 and 4 of Article 23 of the Regulation, each member of the Management Board shall have one vote. In the absence of the member, his/her alternate shall have the right to vote.
3. Each member of the Management Board can represent one other member and cast one vote on his/her behalf, provided that a written proxy from the absent member is submitted to the Chairperson at the latest at the beginning of the meeting and that the absent member is not represented by his/her alternate.
4. Regarding countries associated with the implementation, application and development of the Schengen acquis and with Dublin- and Eurodac-related measures, the arrangement concerning detailed rules for their participation in the work of the Agency referred to in Article 42 of the Regulation shall apply. Before the application of the arrangement, they shall have observer status.
5. The Chairperson, or the deputy Chairperson when he or she is replacing the Chairperson, shall not vote. The right to vote of the Chairperson, or of the Deputy Chairperson when he or she is replacing the Chairperson, shall be exercised by his or her alternate member.
6. The Executive Director shall not vote. The same applies if he/she is replaced.
7. Without prejudice to Article 2(2), and unless a secret ballot is requested by at least one third of the members with a right to vote present, votes shall be taken by show of hands. Should the result be disputed, votes shall be cast by roll call.
8. When a secret ballot takes place, the Chairperson, assisted by two other members, shall count the votes and immediately announce the results.
9. For each decision adopted by the Management Board, the result with the number of votes cast shall be recorded. Dissenting opinions may be entered in the minutes along with the decision if a member so requests.
10. The Chairperson may authorize a member to speak briefly in explanation of a vote he/she cast.

#### *Article 8*

##### *Decisions by Written Procedure*

1. Without prejudice to Articles 6 and 7, decisions of the Management Board may be taken by written procedure, on a proposal from the Chairperson, provided that at least one third of the members with a right to vote do not object within 15 calendar days. In case the deadline falls during the weekend, it shall be prolonged until the first working day of the Agency.
2. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.

3. The decisions shall be deemed to have been adopted by the Management Board if a majority of all the members with a right to vote or at least two thirds for the special cases mentioned in Article 7(1) enters no objections within the period mentioned in paragraph 1. The Management Board members may communicate their objections by email.
4. In exceptional cases, where a decision of the Management Board is needed in an emergency situation, the time limits under paragraphs 1 and 3 may be shortened to 3 calendar days.
5. In case of a decision related to budget transfers in accordance with the provisions of the Financial Regulation of the Agency, the deadlines from the latter shall prevail.
6. The results of a written procedure shall be notified without delay to the members of the Management Board and recorded in the minutes or decisions of the next Management Board meeting. Article 7(9) applies by analogy.

#### *Article 9*

##### *Transmission of Documents*

1. A summary of the decisions taken at each meeting of the Management Board shall be forwarded by the Chairperson to members not later than two weeks after the end of the meeting.
2. The draft minutes, to which shall be attached the summary referred to in paragraph 1, the attendance list, and the decisions taken with the numbers of votes cast at each vote, shall be forwarded to members before the following meeting and in any case not later than three weeks after the end of the meeting. The minutes shall include the document and revision numbers of the relevant materials for decision-making.
3. Once approved, the minutes shall be signed by the Chairperson. The signed copy of the minutes shall be kept in the archives of the Agency.
4. The final text of the minutes shall be communicated to members not later than two weeks after its approval.

#### *Article 10*

##### *Reimbursement of Expenses*

1. All travel and subsistence expenses incurred by the members of the Management Board in connection with meetings relating to the Management Board shall be paid by the Agency in accordance with scales laid down by the Staff Regulations of Officials of the European Union.
2. All travel and subsistence expenses incurred by alternates of members of the Management Board in connection with meetings of the Management Board shall be reimbursed by the Agency in accordance with paragraph 1, only in the case where the alternate replaces the member for whom he/she has been appointed as alternate, or in the case that the member is elected Chairperson or Deputy Chairperson of the Management Board and is chairing the meeting.
3. Without prejudice to paragraphs 1 and 2, all travel and subsistence expenses incurred by the Chairperson or a deputy Chairperson of the Management Board in connection with meetings relating to the Management Board during which they exercise their function shall be reimbursed by the Agency in accordance with paragraph 1.
4. All travel and subsistence expenses incurred by persons invited by the Management Board according to Article 3(5) to attend meetings of the Management Board shall be reimbursed by the Agency in accordance with paragraph 1.
5. All travel and subsistence expenses incurred in connection with meetings of the Management Board by persons other than those provided for in paragraphs 1 to 4, shall not be reimbursed by the Agency. These expenses shall be covered by the persons concerned or their Member State.

#### *Article 11*

##### *Confidentiality and Access to Information*

1. The deliberations of the Management Board shall be confidential. Members and others present at the meetings shall respect the confidential character of the deliberations and documents transmitted by the Agency.
2. The decisions of the Management Board, minutes of meetings and any other related document shall be subject to the provisions of Article 34 of the Regulation and measures taken for its implementation.

## **TITLE II – ADVISORY GROUPS**

#### *Article 12*

##### *Composition of the Advisory Groups*

1. Each Advisory Group shall be composed of a representative of the Commission and a representative of each Member State provided he/she fulfils the conditions laid down in Article 27 of the Regulation.
2. The appointments to the Advisory Groups are made for a four-year term, which may be renewed. The transitional arrangements stipulated in Article 54 (2) of the Regulation shall be applied.
3. Pursuant to Article 27(3) of the Regulation:
  - (a) Europol may appoint a representative to the Eurodac, SIS, VIS and EES-ETIAS Advisory Groups;
  - (b) Eurojust may appoint a representative to the SIS Advisory Group;
  - (c) The European Border and Coast Guard Agency may appoint a representative to the SIS and the EES-ETIAS Advisory Groups.
4. Until the arrangement foreseen by Article 42 of the Regulation is in place and subject to the agreement of the Management Board, representatives of the countries associated with the implementation, application and development of the Schengen acquis and with Dublin- and Eurodac-related measures, which participate in a particular large-scale IT system, may be invited to attend the meetings of the Advisory Group relating to that large-scale IT system as observers.
5. The appointments shall be notified to the Chairpersons of Advisory Groups. A copy of the appointment letter shall be sent to the Secretariat of the Management Board.
6. Pursuant to Article 29 of the Regulation, the list of members of the Advisory Groups shall be published on the Agency's website.

#### *Article 13*

##### *Chairperson of the Advisory Groups*

1. Each Advisory Group shall elect a Chairperson and a Deputy Chairperson from among its members.
2. For the Chairmanship of the Advisory Groups, Article 2 shall apply mutatis mutandis.

#### *Article 14*

##### *Attendance at Meetings of the Advisory Groups*

1. Members of each Advisory Group should attend all its meetings and participate in its deliberations. In exceptional cases and after notification of the Chairperson, a member of each



Advisory Group can be replaced by another expert. Members of the Advisory Groups may be assisted by any other expert relevant to the subjects of the meetings up to a maximum of two per delegation.

2. The Executive Director or the Deputy Executive Director shall be entitled to attend all the meetings of the Advisory Groups as observers. They may be assisted by personnel of the Agency unless the Advisory Group decides otherwise.

3. The Advisory Group may invite any other person whose opinion may be of interest, to attend its meetings as an observer. The participation of external person shall be limited to duly justified case based on necessity. The Chairperson in consultation with the Executive Director will assess the justification and will consent the participation of external people.

#### *Article 15*

##### *The Convening of the Advisory Groups' Meetings*

1. Meetings of the Advisory Groups should be convened by their respective Chairpersons as appropriate to provide the Management Board with the required expertise relating to large-scale IT systems and, in particular, in the context of the preparation of the annual work program and the annual activity report.

2. The meetings of the Advisory Groups shall be convened at the request of any of the following:

- (a) the Chairperson;
- (b) the Management Board;
- (c) at least a third of the members of the Advisory Group;
- (d) the Commission;
- (e) the Executive Director.

3. When the Chairperson convenes the meeting pursuant to paragraph 3(b) to (e), he/she shall do so within one month of the reception of the request at the latest.

4. Without prejudice to paragraphs 3 and 5, the convocation and the provisional agenda, accompanied by the relevant material for decision making, shall be forwarded to the members of the Advisory Group at least two weeks prior to the meeting.

5. When the Advisory Group is convened to deliberate on a matter of urgency, the meeting shall be convened as soon as possible. The notice of convocation and the provisional agenda shall be transmitted to the members as soon as possible before the date of the meeting.

#### *Article 16*

##### *Agenda of the Advisory Groups' Meetings*

1. A provisional agenda of the Advisory Group meeting shall be drawn up by the Chairperson. It shall contain, in addition to the questions included in the request pursuant to Article 16(2), any question the inclusion of which is requested by a member.

2. The agenda shall be adopted at the beginning of each meeting. It can be amended by the Advisory Group at any time prior to the end of the meeting.

3. Items on the agenda, on which the Advisory Group shall prepare an opinion, shall be clearly indicated.

#### *Article 17*

##### *Deliberations of the Advisory Groups*

When preparing an opinion, the members of each Advisory Group shall do their best to reach a

consensus. If such a consensus is not reached, the reasoned opinion of the majority of members shall be considered the opinion of the Advisory Group. The minority reasoned position(s) shall also be recorded.

#### *Article 18*

##### *Opinions by Written Procedure*

1. Opinions of the Advisory Groups may be taken by written procedure, on a proposal from the Chairperson. To this end, the latter shall make available to the members of the Advisory Group the documents on which their opinion is sought and indicate the response period no shorter than 15 calendar days. In case the deadline falls during the weekend, it shall be prolonged until the first working day of the Agency.
2. A proposal for an opinion to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
3. The opinion shall be deemed to have been adopted if a majority of all the members with a right to vote enter no objections within the period mentioned in paragraph 1. The Advisory Group members may communicate their objections by email.
4. In exceptional cases, where an opinion of an Advisory Group is needed in an emergency situation, the time limits under paragraphs 1 and 3 may be shortened to three calendar days.
5. The results of a written procedure shall be notified without delay to the members of the Advisory Group and recorded in the minutes of the next Advisory Group meeting.

#### *Article 19*

##### *Transmission of Documents*

Article 9 shall apply *mutatis mutandis*.

#### *Article 20*

##### *Cooperation between Advisory Groups*

1. Pursuant to Article 27(5) of the Regulation, Advisory Groups shall cooperate with each other as necessary.
2. Where a horizontal issue affecting several Advisory Groups needs be discussed, a joint meeting of those Advisory Groups shall be convened by the Chairperson of any of the Advisory Groups after having consulted the Chairpersons of the other Advisory Groups concerned.
3. The joint meetings of the Advisory Groups may also be convened at the request of any of the following:
  - a. the Management Board;
  - b. at least a third of the members of an Advisory Group with the right to vote;
  - c. the Commission;
  - d. the Executive Director.
4. When the Chairperson of an Advisory Group convenes a meeting pursuant to paragraph 3(a) to (d), he/she shall convene the meeting within one month of the reception of the request at the latest.
5. The joint meetings of the Advisory Groups shall be convened immediately before or after the meetings of the Advisory Groups to avoid additional administrative efforts and financial costs.
6. Without prejudice to paragraphs 4 and 7, the convocation and the provisional agenda, accompanied by the relevant material for decision-making, shall be forwarded to the members of the

relevant Advisory Groups at least two weeks prior to the meeting.

7. When the joint Advisory Group is convened to deliberate on a matter of urgency, the meeting shall be convened as soon as possible. The notice of convocation and the provisional agenda shall be transmitted to the members and their alternates as soon as possible before the date of the meeting.

#### *Article 21*

##### *Reimbursement of Expenses*

1. Accommodation costs (including taxes and breakfast, but excluding extra costs for other possible services) shall be reimbursed by the Agency, up to a maximum amount of 180 EUR per night, per Member State, per meeting.

2. The Agency will cover the expenses of one meal (lunch or dinner) and coffee breaks during the meetings of the Advisory Groups. If the meetings are not organised in the close proximity of the place of accommodation, the Agency also seeks the possibility to organise transfers for the Advisory Group meetings, between the hotel and the meeting location.

3. Other expenses incurred by the members of the Advisory Groups in connection with meetings of the Advisory Groups (e.g. transport costs, airport transfers, per diems, etc.) shall be covered by the persons concerned or their Member State.

4. Accommodation costs incurred by substitutes of members of the Advisory Group in connection with meetings of the Advisory Groups shall be reimbursed by the Agency in accordance with paragraph 1, only when the Agency has prior approved the attendance of the substitute, or in case the regular member is chairing the meeting.

5. All travel and subsistence expenses incurred by persons invited by Advisory Groups according to Article 15(3) to attend meetings of the Advisory Groups will not be covered by the Agency.

6. All travel and subsistence expenses incurred in connection with meetings of the Advisory Groups other than those provided for in paragraphs 1, 2 and 4, shall not be reimbursed by the Agency.

#### *Article 22*

##### *Confidentiality and Access to Information*

Article 11 shall apply *mutatis mutandis*.

### **TITLE III – COMMON PROVISIONS**

#### *Article 23*

##### *Venue of meetings*

Meetings of the Management Board and Advisory Groups shall be held in the locations of the Agency. The Chairperson may decide to convene a meeting in a different location when it is justified by circumstances.

#### *Article 24*

##### *Conflicts of Interest and Public Interest*

1. The Rules for the prevention and management of conflict of interest concerning the members of the Management Board and members of the Advisory Groups (Management Board decision 2018-183) shall apply.

2. The Members of the Management Board, the Executive Director, the Deputy Executive Director and the members of the Advisory Groups will issue, an annual written, public statement of

commitment which shall be also published on the Agency's website as stipulated in Article 29 of the Regulation.

#### *Article 25*

##### *Protection of Personal Data*

In accordance with Article 35(2) of the Regulation, the processing of personal data by the Management Board and the Advisory Groups shall be in conformity with Regulation (EC) No 2018/1725 of the European Parliament and of the Council<sup>2</sup>, under the responsibility of the Chairperson acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

#### *Article 26*

##### *Secretariat and Correspondence*

1. The Agency shall provide the Management Board and the Advisory Groups with a secretariat and an appropriate administrative support to enable them to carry out their functions.
2. All correspondence with the Management Board and the Advisory Groups shall be addressed through the Management Board Secretariat.

#### *Article 27*

##### *Revision of the Rules of Procedure*

1. The Management Board may amend these Rules of Procedure in accordance with Article 7(1).
2. The Advisory Groups may propose amendments of these Rules of Procedure to the Management Board.
3. In accordance with Article 19(1)(g) of the Regulation, the Rules of Procedure of the Agency shall be established by the Management Board.

#### *Article 28*

##### *Entry into Force*

These Rules of Procedure shall enter into force on 19.03.2019

Done at Tallinn, 19/03/2019

For the Management Board

Mr Zsolt Szolnoki  
Chairperson

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<sup>2</sup> OJ L 295, 21.11.2018, p. 39-98