REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Cécile Kashetu Kyenge

(Recast – Rule 104 of the Rules of Procedure)
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
## CONTENTS

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</td>
</tr>
<tr>
<td>ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS</td>
</tr>
<tr>
<td>PROCEDURE – COMMITTEE RESPONSIBLE</td>
</tr>
<tr>
<td>FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE</td>
</tr>
</tbody>
</table>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast)

(Ordinary legislative procedure – recast)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2018)0303),

– having regard to Article 294(2) and Articles 74 and 79(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0184/2018),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,

– having regard to the letter of 28 November 2018 sent by the Committee on Legal Affairs to the Committee on Civil Liberties Justice and Home Affairs in accordance with Rule 104(3) of its Rules of Procedure,

– having regard to Rules 104 and 59 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0040/2019),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Amendment 1**

Proposal for a regulation
Recital 2

*Text proposed by the Commission*

(2) The sharp increase of mixed migratory flows in 2015 and 2016 has put under pressure migration, asylum and border management systems *and called* for a coordinated and effective European response.

*Amendment*

(3) The sharp increase of mixed migratory flows in 2015 and 2016 has put under pressure migration, asylum and border management systems, *especially in those Member States located at the Union’s external borders*, revealing the structural limitations of Union policy in the field of migration and shown the need for a coordinated and effective European response.

*(Recital 2 becomes Recital 3)*

**Amendment 2**

Proposal for a regulation
Recital 3

*Text proposed by the Commission*

(3) The objective of Union policy in the field of migration is to replace irregular and uncontrolled flows with safe and well-managed pathways through a comprehensive approach addressing all aspects of immigration.

*Amendment*

(2) Union policy in the field of migration and asylum should rely on a comprehensive global approach, *founded on the principles of solidarity and responsibility according to article 80 TFEU*, addressing all aspects of immigration.

*(Recital 3 becomes Recital 2)*

**Amendment 3**

Proposal for a regulation
Recital 4
(4) Respecting human rights standards remains a fundamental principle of the Union in addressing the migration crisis. The Union is committed to protect the human rights and fundamental freedoms of all migrants, regardless of their migratory status, in full compliance with international law.

Amendment 4
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4 a) The Regulation should respect fundamental rights and observe the principles recognised by the Universal Declaration of Human Rights and Articles 2 and 6 of the Treaty on European Union (TEU), and reaffirmed in the Charter of Fundamental Rights of the European Union (the 'Charter'), as well as the relevant international conventions.

Amendment 5
Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

(4 b) In performing their duties, migration liaison officers should fully respect human dignity, in particular in cases involving vulnerable people, especially minors, women, the elderly and victims of trafficking in human beings. Any measures taken in performance of their duties should be proportionate to the
Amendment 6
Proposal for a regulation
Recital 5

\textit{Text proposed by the Commission}

(5) To ensure the effective implementation of the Union policies on immigration in all their aspects, consistent dialogue and cooperation should be pursued \textit{with key third countries of origin and transit of migrants and asylum seekers}. Such cooperation should provide for better management of immigration, including departures and returns, contribute to the stabilisation of migrants' flows, support capacity to gather and share information, and prevent and counter migrant smuggling and trafficking in human beings, as well as asylum seekers' access to protection.

\textit{Amendment}

(5) To ensure the effective implementation of the Union policies on immigration in all their aspects, consistent dialogue and cooperation should be pursued. Such cooperation should provide for better management of immigration, including departures, \textit{mobility partnership, the replacement of irregular migration with safe and legal pathways, dignified and effective returns and reintegration}, support capacity to gather and share information, and prevent and counter migrant smuggling and trafficking in human beings, as well as access to \textit{international} protection.

Amendment 7
Proposal for a regulation
Recital 6

\textit{Text proposed by the Commission}

(6) In light of the increasing demand for \textit{intelligence and} information to support evidence-based policy making and operational responses, there is a need for immigration liaison officers to ensure that their insight and knowledge contribute fully to the establishment of a comprehensive situational picture on third countries.

\textit{Amendment}

(6) In light of the increasing demand for information to support evidence-based policy making and operational responses, there is a need for immigration liaison officers to ensure that their insight and knowledge contribute fully to the establishment of a comprehensive situational picture on third countries.
Recital 7

Text proposed by the Commission

(7) The deployment of the current European Migration Liaison Officers to the key countries of origin and transit, as called upon by the conclusions of the special meeting of the Heads of States and Governments on 23 April 2015, was a first step towards enhancing the engagement with third countries on migration-related issues and stepping up coordination with immigration liaison officers deployed by Member States. Building on this experience, longer-term deployments of immigration liaison officers by the Commission to third countries are to be foreseen to support development, implementation and to maximise the impact of Union action on migration.

Amendment

(7) The deployment of the current European Migration Liaison Officers to the key third countries of origin and transit, as called upon by the conclusions of the special meeting of the Heads of States and Governments on 23 April 2015, was a first step towards enhancing the engagement with third countries on migration-related issues and stepping up coordination with immigration liaison officers deployed by Member States. Building on this experience, longer-term deployments of immigration liaison officers by the Commission to third countries are to be foreseen to support development, implementation and to maximise the impact of Union action on migration.

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The objective of this Regulation is to ensure better coordination and optimise utilisation of liaison officers deployed to third countries by Member States, the Commission and Union Agencies in order to respond more effectively to the EU priorities of preventing and combating illegal immigration and related cross-border criminality such as smuggling of migrants and trafficking in human beings, facilitating return, readmission and reintegration activities, contributing to integrated management of Union's external borders, as well as supporting management of legal immigration, including in the area of international protection, resettlement and pre-departure integration measures undertaken by Member States and Union.

Amendment

(4) The objective of this Regulation is to ensure better coordination and facilitating utilisation of immigration liaison officers work considering their various areas of expertise deployed to third countries by Member States, the Commission and Union agencies in order to respond more effectively and in full compliance with humanitarian and human rights obligations to the Union priorities of managing migration effectively, preventing and combating cross-border criminality, smuggling of migrants and trafficking in human beings, facilitating dignified and effective return, readmission and reintegration activities, contributing to integrated management of Union's external borders, as well as
supporting management of legal immigration, including in the area of international protection, resettlement, and pre-departure integration measures undertaken by Member States and the Union.

(Recital 8 becomes Recital 4)

Amendment 10

Proposal for a regulation
Recital 9

*Text proposed by the Commission*

(9) Building on Council Regulation (EC) No 377/2004, this Regulation aims to ensure that immigration liaison officers better contribute to the functioning of a European network of immigration liaison officers primarily by establishing a mechanism through which Member States, the Commission and Union Agencies can more systematically coordinate tasks and roles of their liaison officers.

*Amendment*

(9) Building on Council Regulation (EC) No 377/2004, this Regulation aims to ensure that immigration liaison officers better contribute to the functioning of a European network of immigration liaison officers primarily by establishing a mechanism through which Member States, the Commission and Union Agencies can more systematically coordinate tasks and roles of their liaison officers deployed in key third countries of origin and transit.

Amendment 11

Proposal for a regulation
Recital 10

*Text proposed by the Commission*

(10) Taking into account that mandates and tasks of immigration liaison officers may overlap, due efforts should be made to better coordinate the work of officers operating within the same third country or region. Where immigration liaison officers are deployed directly to the Union's diplomatic missions in a third country by the Commission, they should initiate and lead immigration liaison officers’ network in that third country.

*Amendment*

(10) Taking into account that liaison officers in charge of migration or human rights issues are deployed by different authorities and that their mandates and tasks may overlap, cooperation and the exchange of information between immigration liaison officers operating within the same third country or region should be better coordinated. Where immigration liaison officers are deployed directly to the Union's diplomatic missions
or to Union agencies in a third country by the Commission, they should initiate and lead immigration liaison officers’ network in that third country.

Amendment 12

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The establishment of a robust governance mechanism that ensures better coordination of all liaison officers dealing with immigration issues as a part of their duties, is essential in order to minimise information gaps and duplication of work and maximise operational capabilities and effectiveness. A Steering Board should provide guidance in line with Union policy priorities – taking into account the Union external relations – and should be given the necessary powers, in particular to adopt biennial work programmes of activities of networks of immigration liaison officers, assign tailored ad-hoc tasks for immigration liaison officers addressing priorities and emerging needs not already covered by the biennial work programme, allocate resources for agreed activities and be accountable for their execution.

Amendment

(11) The establishment of a robust governance mechanism that ensures better coordination of all liaison officers dealing with immigration issues as a part of their duties, is essential in order to minimise information gaps, overlapping of tasks, duplication of work and maximise operational capabilities and effectiveness. A Steering Board should provide guidance in line with Union policy priorities – taking into account the Union external relations – and should be given the necessary powers, in particular to adopt annual work programmes of activities of networks of immigration liaison officers, assign tailored ad-hoc tasks for immigration liaison officers addressing priorities and emerging needs not already covered by the annual work programme, allocate financial resources for agreed activities and be accountable for their execution.

Amendment 13

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Special provisions should be made for a wider Union capacity building action for immigration liaison officers, through a development, in cooperation with relevant Union Agencies, of common core curricula

Amendment

(14) Special provisions should be made for a wider Union capacity building action for immigration liaison officers, through a development, in cooperation with relevant Union Agencies, of common core curricula
and pre-deployment training courses, and for supporting the reinforcement of the operational capacity of networks of immigration liaison officers.

**Amendment 14**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

(16) Member States authorities should ensure that strategic and operational analytical products of the Union Agencies in relation to illegal immigration, return, cross-border criminality or international protection and resettlement effectively reach immigration liaison officers in third countries and that the information provided by immigration liaison officers is shared with the relevant Union Agencies – in particular the European Border and Coast Guard Agency, Europol and the European Union Asylum Agency within the scope of their respective legal frameworks.

*Amendment*

(16) Member States authorities should ensure that strategic and operational analytical products of the Union agencies in relation to irregular immigration, dignified and effective return and reintegration, cross-border criminality, or international protection and resettlement effectively reach immigration liaison officers in third countries and that the information collected by immigration liaison officers is shared with the relevant Union Agencies – in particular the European Border and Coast Guard Agency, Europol and the European Union Asylum Agency within the scope of their respective legal frameworks.

**Amendment 15**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

(17) In order to ensure the most effective use of information collected by the networks of immigration liaison officers, such information should be available through a secure web-based information exchange platform.

*Amendment*

(17) In order to ensure the most effective use of information collected by the networks of immigration liaison officers, such information should be available through a secure web-based information exchange platform which fully respects the right to the protection of personal data.
Amendment 16

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Any processing and transferring of personal data by Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council\(^20\) and with the national provisions transposing Directive 2016/680\(^21\). The Commission and Union Agencies should apply Regulation (EC) No 45/2001 of the European Parliament and of the Council\(^22\) when processing personal data.

Amendment

(20) Any processing and transferring of personal data by Member States within the framework of this Regulation should be conducted in full respect of Regulation (EU) No 2016/679 of the European Parliament and of the Council\(^20\) and with the national provisions transposing Directive 2016/680\(^21\). The Commission and Union agencies should apply Regulation (EC) No 45/2001 of the European Parliament and of the Council\(^22\) when processing personal data.


\(^{22}\) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community
institutions and bodies and on the free movement of such data (OJ L 008, 12.1.2001, p.1).

Amendment 17
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The processing of personal data within the framework of this Regulation should be for the purposes of rendering assistance to returning third-country nationals and facilitating the resettlement of persons in need of international protection and implementing Union measures in respect of the admission of legal immigrants. A legal framework that recognises the role of immigration liaison officers in this context is therefore necessary.

Amendment

(21) The processing of personal data within the framework of this Regulation should be allowed only for the purposes of rendering assistance to returning third-country nationals and facilitating the resettlement of persons in need of international protection or the admission to the Union of persons through legal ways, and implementing Union measures in respect of the admission of legal immigrants. A legal framework that recognises the role of immigration liaison officers in this context is therefore necessary.

Amendment 18
Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential component of the comprehensive efforts to tackle illegal immigration and represents an important reason of substantial public interest.

Amendment

(22) The dignified and effective safe return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is one of the components of the comprehensive efforts to tackle irregular immigration.

Directive 2008/115/EC of the European
Amendment 19

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Immigration liaison officers need to process personal data to facilitate return operations. The third countries of return are not often subject to adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679, or under Article 36 of Directive (EU) 2016/680, and have often not concluded or do not intend to conclude a readmission agreement with the Union or otherwise provide for appropriate safeguards within the meaning of Article 46 of Regulation (EU) 2016/679 or within the meaning of the national provisions transposing Article 37 of Directive (EU) 2016/680. Despite the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return, it is not always possible to ensure such third countries systematically fulfil the obligation established by international law to readmit their own nationals. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries pursuant to Article 46 of Regulation (EU) 2016/679 or pursuant to the national provisions transposing Article 36 of Directive (EU) 2016/680, cover a limited number of such third countries. In the situation where such agreements do not exist, personal

Amendment

(23) Immigration Liaison Officers need to process personal data to ensure the proper implementation of return procedures and the successful enforcement of return decisions. The third countries of return are often not the subject of adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679 of the European Parliament and of the Council, and have often not concluded a readmission agreement with the Union or otherwise provide for appropriate safeguards within the meaning of Article 46 of Regulation (EU) 2016/679. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries should include the rules referred to in Chapter V of Regulation (EU) 2016/679.
data should be transferred by immigration liaison officers for the purposes of implementing the return operations of the Union, in line with the conditions laid down in Article 49(1)(d) of Regulation (EU) 2016/679 or in the national provisions transposing Article 38 of Directive (EU) 2016/680 are met.

Amendment 20
Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) In the interest of the persons concerned, immigration liaison officers should be able to process personal data of persons in need of international protection subject to resettlement and of persons wishing to migrate legally in the Union in order to confirm their identity and nationality.

Amendment

(24) In the interest of the persons concerned, immigration liaison officers should be able to process personal data of persons in need of international protection or protection for persons who have applied for resettlement and of persons wishing to migrate legally in the Union in order to confirm their identity and nationality.

Amendment 21
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Since the objectives of this Regulation, which are to optimise utilisation of immigration liaison officers deployed by Member States, Commission and EU Agencies to third countries in order to more effectively implement Union priorities regarding preventing and combatting illegal immigration, facilitating return, readmission and reintegration, contributing to integrated management of Union’s external borders, as well as supporting management of legal immigration or international protection

Amendment

(25) Since the objectives of this Regulation, which are to optimise utilisation of the different expertise of immigration liaison officers deployed by Member States, Commission and Union Agencies to third countries in order to more effectively implement Union priorities of ensuring a better management of migration, gradually replacing irregular migration with safe and legal pathways for asylum and migration, preventing and combatting smuggling of migrants and trafficking in
schemes, cannot be sufficiently achieved by the Member States alone but are better achieved through coordination at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

**Amendment 22**

**Proposal for a regulation**

**Article 1 – paragraph 1**

**Text proposed by the Commission**

1. This Regulation lays down rules to improve the coordination of immigration liaison officers deployed to third countries by Member States, the Commission and the Union Agencies through the creation of a European network of immigration liaison officers.

**Amendment**

1. This Regulation lays down rules to enhance the cooperation and coordination of immigration liaison officers deployed to third countries by Member States, the Commission and the Union Agencies through the creation of a European network of immigration liaison officers, while respecting human rights.

**Amendment 23**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1**

**Text proposed by the Commission**

1. immigration liaison officer’ means:

**Amendment**

1. ‘immigration liaison officer’ means a liaison officer designated and deployed abroad by the competent authorities of one of the Member States, or the
Commission or a Union agency, as provided for in the relevant legal act of the Union applicable to the agency in question, to deal with immigration-related issues.

(a) a representative of one of the Member States, deployed abroad by the immigration service, law enforcement or other competent authorities in order to establish and maintain contacts with the authorities of a third country with a view to contributing to the prevention and combating of illegal immigration, the return of illegally staying third-country nationals and the management of legal immigration;

(b) the liaison officers deployed abroad by the Commission in order to establish and maintain contacts with the authorities of the third country on immigration-related issues;

(c) the liaison officers deployed abroad by the Union Agencies as referred to in their respective legal basis and dealing with immigration-related issues;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 24

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Immigration liaison officers shall establish and maintain direct contacts with the competent authorities of the third country and any appropriate organisations operating within the third country, with a view to implementing this Regulation.

Amendment

1. Immigration liaison officers shall establish and maintain direct contacts with the competent authorities of the third country, including local authorities, and any appropriate organisations operating within the third country, including relevant international organisations, with a view to implementing this Regulation.
Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 25

Proposal for a regulation
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. Immigration liaison officers shall collect information for use either at the operational level, or at a strategic level, or both. Such information shall not contain personal data. Such information shall in particular concern the following issues:

Amendment

2. Immigration liaison officers shall collect information for use either at the operational level, or at a strategic level, or both. Such information shall not contain personal data. Such information shall concern the following issues only:

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 26

Proposal for a regulation
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) migratory flows originating from or transiting through the country;

Amendment

(a) migratory flows originating from or transiting through the country including information on migrants’ age and gender profile and their future travel intentions;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 27

Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) incidents and events that may be or

Amendment

(d) incidents and events that may be or
become the cause for new developments with respect to migratory flows; become the cause for new developments or reconfiguration of migratory movement;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 28

Proposal for a regulation
Article 3 – paragraph 2 – point f

Text proposed by the Commission

(f) ways and means to assist the authorities in third countries in preventing illegal immigration flows originating from or transiting through their territories;

Amendment

(f) ways and means to assist the authorities in third countries in providing the adequate orientation and support at the external borders in view of monitoring migratory flows;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 29

Proposal for a regulation
Article 3 – paragraph 2 – point f a (new)

Text proposed by the Commission

(f a) ways and means to assist the authorities in third countries in providing the adequate orientation and support to persons being admitted to the Union through legal ways;

Amendment

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 30

Proposal for a regulation
Article 3 – paragraph 2 – point f b (new)
(f b) ways and means to assist the authorities in third countries in assessing the general situation of fundamental rights in the third country, including information on localisation and conditions of both receptions and detention centre as well as the conditions of such detention;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 31

Proposal for a regulation
Article 3 – paragraph 2 – point g

Text proposed by the Commission

(g) ways and means to facilitate return, readmission and reintegration;

Amendment

(g) ways and means to facilitate the dignified and human-rights compliant return, readmission and reintegration and where possible to monitor the situation of returning third-country nationals;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 32

Proposal for a regulation
Article 3 – paragraph 2 – point h

Text proposed by the Commission

(h) asylum seekers’ access to protection in the third country;

Amendment

(h) effective access to protection that the third country has adopted or put in place in favour of vulnerable persons;
Amendment 33
Proposal for a regulation
Article 3 – paragraph 2 – point i

Text proposed by the Commission

(i) possible legal immigration strategies and channels between the Union and third countries, including resettlement and other protection tools as well as skills and labour market needs;

Amendment

(i) legal immigration strategies to be promoted and existing channels or channels to be developed between the Union and third countries, including resettlement, humanitarian visas issued by Member States and other protection tools as well as mobility partnerships, labour migration, visas for students and family reunification;

Amendment 34
Proposal for a regulation
Article 3 – paragraph 2 – point j

Text proposed by the Commission

(j) pre-departure measures available to immigrants in countries of origin or host third countries that support successful integration upon legal arrival in Member States;

Amendment

(j) pre-departure measures available to migrants in countries of origin or host third countries that support successful integration upon legal arrival in Member States;

Amendment 35
Proposal for a regulation
Article 3 – paragraph 2 – point k

Text proposed by the Commission

(k) capacity, capability, political strategies, legislation and legal practices of third countries relevant to the issues referred to in points (a) to (j).

Amendment

(k) practices, legislation and legal practices of third countries relevant to the issues referred to in points (a) to (j).
Article 3 – paragraph 4 – introductory part

Text proposed by the Commission

4. Immigration liaison officers may render assistance in:

Amendment

4. Immigration liaison officers may render assistance, within the limits of their expertise and training, in:

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 37

Proposal for a regulation
Article 3 – paragraph 4 – point a

Text proposed by the Commission

(a) establishing the identity of illegally staying third-country nationals and facilitating their return in accordance with the Directive 2008/115/EC;

Amendment

(a) confirming the identity of illegally staying third-country nationals in accordance with the Directive 2008/115/EC in order to facilitate the reintegration of returning third-country nationals;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 38

Proposal for a regulation
Article 3 – paragraph 4 – point b

Text proposed by the Commission

(b) confirming identity and facilitating the resettlement of persons in need of international protection in the Union;

Amendment

(b) confirming identity and facilitating the resettlement or the admission of persons, especially the most vulnerable, in need of or seeking international protection in the Union, by providing them with adequate pre-departure orientation, information and support;
Amendment 39  
Proposal for a regulation  
Article 3 – paragraph 4 – point c  

*Text proposed by the Commission*  
(c) confirming identity and facilitating implementation of Union measures in respect of the admission of legal immigrants.

*Amendment*  
(c) confirming identity and facilitating implementation of Union measures in respect of the admission of legal immigrants, including pre-departure orientation for migrant workers, students and family members being admitted to the Union;

Amendment 40  
Proposal for a regulation  
Article 3 – paragraph 4 – point c a (new)  

*Text proposed by the Commission*  
(c a) facilitating implementation of Union measures in fighting smuggling of migrants and trafficking in human beings by sharing information obtained in the course of their duties within networks of immigration liaison officers and with competent authorities of the Member States, including law enforcement authorities.

*Amendment*  
(c a) facilitating implementation of Union measures in fighting smuggling of migrants and trafficking in human beings by sharing information obtained in the course of their duties within networks of immigration liaison officers and with competent authorities of the Member States, including law enforcement authorities.

Amendment 41  
Proposal for a regulation  
Article 3 – paragraph 5  

*Text proposed by the Commission*  
5. Immigration liaison officers shall carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in Union and national laws and in any agreements or arrangements concluded

*Amendment*  
5. Immigration liaison officers shall carry out their tasks within the framework of their responsibilities determined by the deploying authorities, fully respecting human dignity and fundamental rights, with a particular focus on vulnerable persons and in compliance with the
with third countries or international organisations.

provisions, including those on the protection of personal data, laid down in Union and national laws and in any agreements or arrangements concluded with third countries or international organisations. Immigration liaison officers shall follow a gender-sensitive approach when carrying out their tasks.

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 42

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States, the Commission and the Union Agencies shall inform the Steering Board of their plans for deployment of immigration liaison officers, including a description of their duties and the duration of their deployment.

Amendment

1. Member States, the Commission and the Union agencies shall inform the Steering Board of their plans for deployment of immigration liaison officers, including a description of their duties and the duration of their deployment.

Notification of the deployment of immigration liaison officers shall be transmitted to the European Parliament without undue delay.

Amendment 43

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be made available on the secure web-based information exchange platform provided for in Article 9.

Amendment

2. The information referred to in paragraph 1 shall be made available on the secure web-based information exchange platform provided and in accordance with Article 9.
Amendment 44

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) exchange information, where appropriate, on experience regarding asylum seekers’ access to protection;

Amendment

(c) exchange information, where appropriate, on experience regarding access to international protection;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 45

Proposal for a regulation
Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) coordinate positions to be adopted in contacts with commercial carriers, when appropriate;

Amendment

deleted

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 46

Proposal for a regulation
Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) attend joint specialised training courses, when appropriate;

Amendment

(e) attend joint specialised training courses, in particular on fundamental rights and asylum procedures;

Justification

Necessary for pressing reasons relating to the internal logic of the text.
Amendment 47
Proposal for a regulation
Article 5 – paragraph 1 – point f

Text proposed by the Commission

(f) organise information sessions and training courses for members of the diplomatic and consular staff of the missions of the Member States in the third country, when appropriate;

Amendment

(f) organise information sessions and training courses for members of the diplomatic and consular staff of the missions of the Member States in the third country, when appropriate, **including specific training on asylum procedures, and the protection of persons in vulnerable situations**;

Justification

Necessary for pressing reasons relating to the internal logic of the text.

Amendment 48
Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

1 a. The network of immigration liaison officers shall, where necessary and available, include immigration liaison officers with expertise in child protection, trafficking in human beings, gender equality and protection against gender-based violence.

Amendment

1 a. **The network of immigration liaison officers shall, where necessary and available, include immigration liaison officers with expertise in child protection, trafficking in human beings, gender equality and protection against gender-based violence.**

Justification

The situation of vulnerable persons need to be assessed by ILO's having a proper expertise in the area of fundamental rights.

Amendment 49
Proposal for a regulation
Article 5 – paragraph 2
2. Immigration liaison officers deployed by the Commission shall coordinate the networks provided for in paragraph 1. In locations where the Commission does not deploy immigration liaison officers, the coordination of the network shall be carried out by an immigration liaison officer, as agreed by members of the network.

Amendment 50

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The Steering Board shall be notified of the appointment of the network coordinators by the coordinator.

Amendment

3. The Steering Board shall be notified of the appointment of the network coordinators by the coordinator \textit{at least 15 days before taking the duties of network coordinator}. 

Amendment 51

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States may also agree that their immigration liaison officers shall share certain tasks among each other.

Amendment

2. Member States may also agree that their immigration liaison officers shall share certain tasks among each other, \textit{on the basis of their liaison officers’ expertise and specialist training}. 

28/41
**Justification**

*Broadening the scope of immigration liaison officers’ remits must go hand in hand with the pairing of their expertise and specialist training with the tasks they are to fulfil.*

**Amendment 52**

Proposal for a regulation
Article 7 – paragraph 3

*Text proposed by the Commission*

3. **Representatives** of third countries associated with the implementation, application and development of the Schengen acquis shall participate in the Steering Board as observers.

*Amendment*

3. *A Member of the European Parliament, representatives* of third countries associated with the implementation, application and development of the Schengen acquis shall participate in the Steering Board as observers.

**Amendment 53**

Proposal for a regulation
Article 8 – paragraph 1

*Text proposed by the Commission*

1. The Steering Board shall establish its own rules of procedures on the basis of a proposal by the Chair within three months of its first meeting. The rules of procedures shall set out voting arrangements.

*Amendment*

1. The Steering Board shall establish its own rules of procedures on the basis of a proposal by the Chair within three months of its first meeting, *following prior consultation of the Member States*. The rules of procedures shall set out voting arrangements *and the procedures by which the Commission will cooperate with national authorities to ensure the proper circulation of strategic and operational analysis products.*

**Amendment 54**

Proposal for a regulation
Article 8 – paragraph 2 – introductory part
2. Considering the priorities of the Union in the area of immigration and within the scope of the tasks of immigration liaison officers as defined in this Regulation, the Steering Board shall carry out the following activities:

Amendment 55

Proposal for a regulation
Article 8 – paragraph 2 – point a

Text proposed by the Commission
(a) establish priorities and activities by adopting a biennial work programme and indicating resources needed to support that work;

Amendment
(a) establish priorities and activities by adopting an annual work programme and indicating resources needed to support that work, which shall be forwarded to the European Parliament without undue delay;

Amendment 56

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission
(b) review implementation of activities established in the biennial work programme, appointment of network coordinators and progress made by networks of immigration liaison officers in their cooperation with competent authorities in third countries;

Amendment
(b) review implementation of activities established in the annual work programme, appointment of network coordinators and progress made by networks of immigration liaison officers in their cooperation with competent authorities in third countries;

Amendment 57

Proposal for a regulation
Article 8 – paragraph 2 – point c
(c) adopt the biennial activity report;

(c) adopt the annual activity report which shall be forwarded to the European Parliament without undue delay;

Amendment 58

Proposal for a regulation
Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) support the development of capability of immigration liaison officers, including through developing common core curricula, pre-deployment training and the organisation of joint seminars on subjects as referred to in Article 3(2);

Amendment

(c) support the development of capability of immigration liaison officers, including through developing common core curricula, pre-deployment training and the organisation of joint seminars on subjects as referred to in Article 3 based on available or new specific training tools developed by the European Union Agency for Fundamental Rights (FRA) and the relevant Union agencies or other relevant international organisations with respect to Union and international law in the area of fundamental rights and asylum procedures, while avoiding any duplication with training provided by these agencies;

Amendment 59

Proposal for a regulation
Article 8 – paragraph 3 – point c a (new)

Text proposed by the Commission

(c a) draw up and further develop, in cooperation with FRA, specific guidelines applicable to all immigration liaison officers, that shall provide orientation on how to guarantee the respect of fundamental rights with a particular focus on vulnerable persons;
Amendment 60
Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. For the execution of the activities referred to paragraphs 2 and 3, Member States may receive the Union financial support in accordance with Regulation (EU) No 515/2014.

Amendment

4. For the execution of the activities referred to paragraphs 2 and 3, Member States may receive the Union financial support in accordance with Regulation (EU) No 515/2014. The Commission shall set up operational procedures to facilitate the requests for Union financial support by Member States.

Amendment 61
Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Immigration liaison officers and members of the Steering Board shall ensure that all relevant information and statistics are uploaded and exchanged via the secure web-based information exchange platform set up and maintained by the Commission. That information shall include at least the following elements:

Amendment

1. Immigration liaison officers and members of the Steering Board shall ensure that all relevant information and statistics are uploaded and exchanged via the secure web-based information exchange platform set up by and maintained by the Commission. The facilitator of the network as referred to in Article 5(2) shall ensure that all relevant information and statistics are uploaded via the secure web-based information exchange platform. Utmost care has to be taken when exchanging information of a strictly confidential nature. The Member of the European Parliament designated to participate in the Steering Board as observer shall have access to the information exchange platform. That information shall include at least the following elements:
Amendment 62
Proposal for a regulation
Article 9 – paragraph 1 – point a

*Text proposed by the Commission*
(a) relevant documents, reports and analytical products in the area of immigration, in particular factual information on countries or regions in which immigration liaison officers are deployed;

*Amendment*
(a) relevant documents, reports and analytical products on immigration-related issues, in particular factual information on countries or regions in which immigration liaison officers are deployed;

Amendment 63
Proposal for a regulation
Article 10 – paragraph 3 – point a

*Text proposed by the Commission*
(a) biometric or biographic data where necessary to confirm the identity and nationality of third-country nationals for the purposes of return, including all types of documents which can be considered as proof or prima facie evidence of nationality;

*Amendment*
(a) biometric or biographic data where necessary to confirm the identity of the individual and necessary for preventing and countering smuggling of migrants and trafficking in human beings;

Amendment 64
Proposal for a regulation
Article 10 – paragraph 3 – point b

*Text proposed by the Commission*
(b) passenger lists for return flights to third countries;

*Amendment*
(b) passenger lists for return flights from the Union to a third country with a view of ensuring effective access to reintegration measures for returning third-country nationals;

Amendment 65
Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Any exchange of personal data shall be strictly limited to what is necessary for the purposes of this Regulation.

Amendment 66

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. Transfers of personal data by Immigration liaison officers under this Article to third countries and international organisations shall be done in accordance with Chapter V of Regulation (EU) No 2016/679 or with national provisions transposing Chapter V of Directive (EU) 2016/680.

Any exchange of personal data that could be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights shall be prohibited.

Amendment 67

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Five years after the date of adoption of this Regulation, the Commission shall report to the European Parliament and the European Council on the application of the Regulation.

1. No later than two years after the date of adoption of this Regulation and every two years thereafter, the Commission shall report to the European Parliament and the European Council on the application of the Regulation,
including on its impact on fundamental rights.

Amendment 68

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Member States shall provide the Commission with the necessary information for the preparation of the report on the application of the Regulation.

Amendment

2. Member States and Union agencies shall provide the Commission with the necessary information for the preparation of the report on the application of the Regulation.
ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

D(2018)45709

Mr Claude MORAES
Chair, Committee on Civil Liberties, Justice and Home Affairs
ASP 13G205
Brussels


Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 169 and 170, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the opinion of the Consultative Working Party of the legal services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.
In conclusion, at its meeting of 20 November 2018, the Committee on Legal Affairs, with 20 votes in favour, 0 votes agains and 1 abstention\(^1\), recommends that the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, can proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda


\(^1\) The following Members were present: Max Andersson, Joëlle Bergeron, Jean Marie Cavada, Costas Chrysogonos, Mady Delvaux, Geoffroy Didier, Pascal Durand, Laura Ferrara, Lidia Joanna Geringer de Oedenberg, Jytte Guteland, Sajjad Karim, Sylvia Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Julia Reda, Evelyn Regner, Virginie Rozière, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Kosma Zlotowski, Tadeusz Zwiefka.
OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION


Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 28 June, 3 July and 6 September 2018 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.


1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

1 The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.
- in the first citation, the deletion of the indication ‘63(3)(b)’ and the adding of the indication ‘79(2)’;
- in Article 1(2), the adding of the words 'Union and';
- in Article 3(1), the deletion of the initial words 'Each Member State shall ensure that its';
- in Article 3(2)(k), the replacement of the word 'above' with the indication ‘in points (a) to (j)’;
- in Article 3(5) and in the introductory wording of Article 5(1), the deletion of the initial words 'Member States shall ensure that their';
- in Article 5(1)(g), the deletion of the final words 'to the competent authorities of the sending Member States'.

2. In Article 3(1), the adding of the word 'operating' should have been identified with adaptation arrows.

3. In Article 3(2), in the wording ‘the existence and activities of criminal organisations involved in smuggling of immigrants’, entirely marked with a ‘substantive deletion’ marker, the word ‘the’ should have been present between the words ‘involved in’ and the words ‘smuggling of immigrants’.

4. In Article 11, the word ‘the’ preceding the words ‘Regulation (EC) N° 810/2009’ should be deleted.

5. In Article 13, the reference made to ‘Annex I’ should be adapted so as to read as a reference to Annex II.

6. In the annex containing a correlation table, the annex number erroneously indicated as ‘VII’ should be corrected so as to read ‘II’.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER  H. LEGAL  L. ROMERO REQUENA
Jurisconsult   Jurisconsult   Director General
### PROCEDURE – COMMITTEE RESPONSIBLE

| Title | Creation of a European network of immigration liaison officers (recast) |
| Date submitted to Parliament | 17.5.2018 |
| Committee responsible | LIBE 5.7.2018 |
| Committees asked for opinions | AFET 5.7.2018 |
| Not delivering opinions | AFET 20.6.2018 |
| Rapporteurs | Cécile Kashetu Kyenge 11.6.2018 |
| Date adopted | 23.1.2019 |
| Result of final vote | +: 38  
-: 11  
0: 5 |
| Members present for the final vote | Asim Ademov, Martina Anderson, Monika Beňová, Malin Björk, Caterina Chinnici, Daniel Dalton, Agustín Díaz de Mera García Consuegra, Frank Engel, Tanja Fajon, Laura Farrara, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Filiz Hyusmenova, Sophia in ’t Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Alessandra Mussolini, József Nagy, Judith Sargentini, Giancarlo Scottà, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský |
| Substitutes present for the final vote | Carlos Coelho, Pál Csáky, Miriam Dalli, Gérard Deprez, Maria Grapini, Anna Hedh, Livia Járóka, Teresa Jiménez-Becerril Barrio, Jean Lambert, Gilles Lebrun, Jeroen Lenaers, Innocenzo Leontini, Emilian Pavel, Barbara Spinelli, Geoffrey Van Orden |
| Substitutes under Rule 200(2) present for the final vote | Anthea McIntyre, Mylène Troszczynski |
| Date tabled | 29.1.2019 |
### FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>38</td>
<td>+</td>
</tr>
<tr>
<td>ALDE</td>
<td></td>
<td>Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Sophia in ’t Veld, Cecilia Wikström</td>
</tr>
<tr>
<td>ECR</td>
<td></td>
<td>Innocenzo Leontini, Monica Macovei</td>
</tr>
<tr>
<td>EFDD</td>
<td></td>
<td>Laura Ferrara</td>
</tr>
<tr>
<td>PPE</td>
<td></td>
<td>Asim Ademov, Carlos Coelho, Pál Csáky, Agustín Diaz de Mera García Consuegra, Frank Engel, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Alessandra Mussolini, József Nagy, Csaba Sógor</td>
</tr>
<tr>
<td>S&amp;D</td>
<td></td>
<td>Monika Beňová, Caterina Chinnici, Miriam Dalli, Tanja Fajon, Maria Grapini, Sylvie Guillaume, Anna Hedh, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Emilian Pavel, Sergei Stanishev</td>
</tr>
<tr>
<td>VERTS/ALE</td>
<td></td>
<td>Eva Joly, Jean Lambert, Judith Sargentini, Bodil Valero</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>-</td>
</tr>
<tr>
<td>ECR</td>
<td></td>
<td>Daniel Dalton, Anthea McIntyre, Helga Stevens, Geoffrey Van Orden, Kristina Winberg</td>
</tr>
<tr>
<td>ENF</td>
<td></td>
<td>Gilles Lebreton, Giancarlo Scottà, Mylène Troszczynski</td>
</tr>
<tr>
<td>GUE/NGL</td>
<td></td>
<td>Malin Björk</td>
</tr>
<tr>
<td>PPE</td>
<td></td>
<td>Kinga Gál, Lívia Járóka</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>GUE/NGL</td>
<td></td>
<td>Martina Anderson, Barbara Spinelli, Marie-Christine Vergiat</td>
</tr>
<tr>
<td>PPE</td>
<td></td>
<td>Traian Ungureanu, Tomáš Zdechovský</td>
</tr>
</tbody>
</table>

**Key to symbols:**
+ : in favour
- : against
0 : abstention