



2015/0310(COD)

22.4.2016

AMENDMENTS

71 - 372

Draft opinion

Javier Nart

(PE580.484v02-00)

on the proposal for a regulation on the European border and coast guard

Proposal for a regulation

(COM(2015)0671 – C8-0408/2015 – 2015/0310(COD))

Amendment 71
Sofia Sakorafa

Proposal for a regulation

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Proposal for rejection

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose rejection of this Commission proposal.

Or. en

Amendment 72
Geoffrey Van Orden

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Improved practical preventive measures can help ameliorate the situation but a more fundamental change in overall policy is required in order to dampen the expectations of potential irregular migrants and reduce the 'pull' factors. At the same time, the effect of legal objections to a more rigorous policy need to be considered and this might require review of certain international conventions.

Or. en

Amendment 73
Philippe Juvin

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) European ***integrated*** border management is a ***shared*** responsibility of the European Border and Coast Guard Agency ***and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. While*** Member States ***retain the primary responsibility for*** the management of their section of the external borders ***in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ensure the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.***

Amendment

(5) European border management is a responsibility of the European Border and Coast Guard Agency; ***the*** Member States ***should transfer immediately*** the management of their section of the external borders ***to the*** Agency;

Or. en

Amendment 74

Tonino Picula, Victor Boştinaru, Iliana Iotova

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Th European Border and Coast Guard is intended to replace Frontex in order to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein. In accordance with the Treaties and their Protocols, the Member States to which provisions of the Schengen acquis on lifting border controls are yet to apply should be able to participate in and/or benefit from all the

actions under this Regulation.

Or. en

Amendment 75

Philippe Juvin

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Having regard to the increasing migratory pressures at the external borders, to the necessity of ensuring a high level of internal security within the Union and to safeguard the functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary *to reinforce* the management of the external borders by building on the work of Frontex *and further develop it into an Agency with a shared responsibility for the management of the external borders.*

Amendment

(8) Having regard to the increasing migratory pressures at the external borders, to the necessity of ensuring a high level of internal security within the Union and to safeguard the *normal* functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary *that the Member States delegate to the Union* the management of the external borders. By building on the work of Frontex, *the responsibility of the management of the external borders should lie with an Agency, the European Border and Coast Guard Agency, which should have its own technical and budgetary means, its own staff, including extended power ; the Agency should be under the authority of the President of the Council ;*

Or. en

Amendment 76

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it

Amendment

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should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, *including search and rescue operations at sea*, as well as to organise, coordinate and conduct return operations and return interventions.

Or. en

Amendment 77

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) The European Border and Coast Guard Agency should engage with civil society organisations and initiatives conducting search and rescue operations at sea, by, inter alia, exchanging information on people in distress at sea.

Or. en

Amendment 78

Geoffrey Van Orden

Proposal for a regulation

Recital 12

PE580.712v02-00

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Text proposed by the Commission

(12) ***In a spirit of shared responsibility***, the role of the European Border and Coast Guard Agency should be to regularly monitor the management of the external borders. The Agency should ensure proper and effective monitoring not only through risk analysis, information exchange and Eurosur, but also ***through presence of experts from its own staff in Member States***. The Agency should therefore be able to deploy liaison officers to specific Member States for a period of time during which the liaison officer reports to the Executive Director. The report of the liaison officers should form part of the vulnerability assessment.

Amendment

(12) ***Undertaking a shared responsibility with the Member States***, the role of the European Border and Coast Guard Agency should be to regularly monitor the management of the external borders. The Agency should ensure proper and effective monitoring not only through risk analysis, information exchange and Eurosur, but also ***in full cooperation with Member States and respecting the rights of non-Schengen countries***. The Agency should therefore be able to deploy liaison officers to specific Member States ***with their consent*** for a period of time during which the liaison officer reports to the Executive Director ***and the relevant head of the Member State border and coastguard agency***. The report of the liaison officers should form part of the vulnerability assessment.

Or. en

Amendment 79
Manolis Kefalogiannis

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) ***In a spirit of*** shared responsibility, the role of the European Border and Coast Guard Agency should be to regularly monitor the management of the external borders. The Agency should ensure proper and effective monitoring not only through risk analysis, information exchange and Eurosur, but also through presence of experts from its own staff in Member States. The Agency should therefore be able to deploy liaison officers to specific Member States for a period of time during which the liaison officer reports to the

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Executive Director. The report of the liaison officers should form part of the vulnerability assessment.

officer reports to the Executive Director. The report of the liaison officers should form part of the vulnerability assessment.

Or. en

Amendment 80
Manolis Kefalogiannis

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border resulting from irregular immigration or cross-border crime. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State *or on its own initiative*, organise and coordinate joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Amendment

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border resulting from irregular immigration or cross-border crime, *without prejudice to the national responsible authorities competence to initiate criminal investigations*. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State , organise and coordinate joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Or. en

Amendment 81
Philippe Juvin

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency *should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and* to face challenges at the external border *resulting from* irregular immigration or cross-border crime. *In this respect, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.*

Amendment

(14) The European Border and Coast Guard Agency *should be more efficient* to face challenges at the external border *namely* irregular immigration or cross-border crime.

Or. en

Amendment 82
Geoffrey Van Orden

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency should *organise the* appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border *resulting from irregular immigration or cross-border crime*. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State *or on its own initiative, organise and coordinate* joint operations for one or more Member States and deploy European Border and Coast

Amendment

(14) The European Border and Coast Guard Agency should *offer* appropriate *additional* technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State, *engage in* joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff *as*

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required and when requested.

Or. en

Amendment 83

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border ***resulting from irregular immigration or cross-border crime***. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Amendment

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border, ***including through search and rescue operations at sea***. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Or. en

Amendment 84

Geoffrey Van Orden

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, **at the request of** a Member State **or on its own initiative**, **organise and coordinate** rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

Amendment

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should **offer to** a Member State **to assist with** rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other **necessary** relevant staff available to the rapid reserve pool **as soon as possible**.

Or. en

Amendment 85
Manolis Kefalogiannis

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State **or on its own initiative**, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention,

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(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State , organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make

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border guards and other *necessary* relevant staff available to the rapid reserve pool *as soon as possible*.

Or. en

Amendment 86
Philippe Juvin

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) At particular areas of the external borders where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

Amendment

(16) At particular areas of the external borders where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground. *The Agency should have an autonomous right to intervene in order to allocate its agents and equipment based on the complexity of border protection as well as particular areas of external borders where Member States face disproportionate migration pressures.*

Or. en

Amendment 87
Geoffrey Van Orden

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) ***The European Border and Coast Guard Agency should have the necessary equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action,*** the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of ***a small*** percentage of the total number of border guards in the Member States, ***which should amount to a minimum of 1 500.*** The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

Amendment

(18) The European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of ***an adequate*** percentage of the total number of border guards in the Member States. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

Or. en

Amendment 88
Manolis Kefalogiannis

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The European Border and Coast Guard Agency should have the necessary equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action, the European Border and Coast Guard Agency

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Or. en

Amendment 89
Manolis Kefalogiannis

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by *organising return operations on its own initiative and* enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Amendment

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Or. en

Amendment 90
Manolis Kefalogiannis

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The European Border and Coast Guard Agency should step up its assistance to Member States for returning illegally staying third-country nationals, subject to the Union return policy and in compliance with Directive 2008/115/EC of the European Parliament and of the Council.¹⁵ In particular, ***it should coordinate and organise return operations from*** one or more Member States and it should organise and conduct return interventions to reinforce the return system of Member States requiring increased technical and operational assistance when complying with their obligation to return illegally staying third-country nationals in accordance with that Directive.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals (OJ L 348, 21.12.2008, p. 98).

Amendment

(21) The European Border and Coast Guard Agency should step up its assistance to Member States for returning illegally staying third-country nationals, subject to the Union return policy and in compliance with Directive 2008/115/EC of the European Parliament and of the Council.¹⁵ In particular, ***following the request of*** one or more Member States ***it should coordinate and organise return operations*** and it should organise and conduct return interventions to reinforce the return system of Member States requiring increased technical and operational assistance when complying with their obligation to return illegally staying third-country nationals in accordance with that Directive.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals (OJ L 348, 21.12.2008, p. 98).

Or. en

Amendment 91
Manolis Kefalogiannis

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The European Border and Coast Guard Agency should ***monitor and contribute to*** the developments in research relevant for the control of the external borders, including the use of advanced

Amendment

(24) The European Border and Coast Guard Agency should ***keep abreast of*** the developments in research relevant for the control of the external borders ***in order to use the most adequate resources,***

surveillance technology, and it should disseminate this information to the Member States and to the Commission.

including the use of advanced surveillance technology, and it should disseminate this information to the Member States and to the Commission.

Or. en

Amendment 92
Manolis Kefalogiannis

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries *in the field of management of* external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Amendment

(28) The European Border and Coast Guard Agency, *in agreement with the Member State(s) concerned*, should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union *in cooperation with the Commission and EEAS*, including by coordinating operational cooperation between Member States and third countries *after risk assessment of the EU* external borders *neighboring third countries* and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Or. en

Amendment 93
Sofia Sakorafa

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) This Regulation respects the fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for human dignity, the right to life, the right to liberty and security, the right to the protection of personal data, the right to access to asylum, the right to effective remedy, the rights of the child, the prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, and to promote the application of the principles of non-discrimination and non-refoulement.

Amendment

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Or. en

Amendment 94
Sofia Sakorafa

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) This Regulation establishes ***a*** complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an ***administrative mechanism whereby the***

Amendment

(30) This Regulation establishes ***an independent*** complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency ***and its staff***. This should be an ***full, independent, effective***

Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning border guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

and accessible individual mechanism whereby the Agency's Fundamental Rights Officer participates. The Independent Complaint Mechanism should review the admissibility of a complaint, register *and deal accordingly with all* admissible complaints, forward all registered complaints to the *Agency's* Executive Director, forward complaints concerning border *and coast* guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

Or. en

Amendment 95 Manolis Kefalogiannis

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning *border guards* to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the

Amendment

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director *and Management Board*, forward complaints concerning *members of the teams* to the home Member State and register the follow-up by the Agency or that Member State. *This data should be included in the annual report of the*

Member States.

Agency .Criminal investigations should be conducted by the Member States.

Or. en

Amendment 96
Tonino Picula

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) In order to ensure the uniform conditions for the implementation of this Regulation, in particular as regards situations requiring urgent action at the external borders, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹⁸

¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(31) In order to ensure the uniform conditions for the implementation of this Regulation, in particular as regards situations requiring urgent action at the external borders, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁸ , ***based on the principle of non-refoulement and respecting human right declarations and standards.***

¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 97
Philippe Juvin

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) The European Border and Coast Guard Agency should be ***independent as regards operational and technical matters*** and have legal, administrative and financial autonomy. ***To that end***, it is necessary and appropriate that it should be a Union body having legal personality and exercising the implementing powers, which are conferred upon it by this Regulation.

Amendment

(32) The European Border and Coast Guard Agency should be ***an Agency under the political responsibility of the Union*** and have legal, administrative and financial autonomy. ***For this reason the Executive Director of the Agency should be appointed by a common accord of the Head of State or government of the Member State of the Schengen area, after consulting the European Parliament.*** It is ***also*** necessary and appropriate that it should be a Union body having legal personality and exercising the implementing powers, which are conferred upon it by this Regulation.

Or. en

Amendment 98
Sofia Sakorafa

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) The Commission and the ***Member States*** should be represented within a Management Board to exercise policy and political oversight over the European Border and Coast Guard Agency. The Board should, where possible, consist of the operational heads of the national services responsible for border guard management or their representatives. This Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the European Border and Coast Guard Agency and appoint the Executive Director and the Deputy Executive Director. The Agency should be governed and operated

Amendment

(33) The Commission, ***the Member States*** and the ***European Parliament*** should be represented within a Management Board to exercise policy and political oversight over the European Border and Coast Guard Agency. The Board should, where possible, consist of the operational heads of the national services responsible for border guard management or their representatives. This Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the European Border and Coast Guard Agency and appoint the Executive Director and the Deputy Executive Director. The Agency should be governed and operated

in line with the principles of the common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

in line with the principles of the common approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

Or. en

Amendment 99
Sofia Sakorafa

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, thus also ensuring the proper functioning of the Schengen area, ***cannot*** be sufficiently achieved by the Member States ***acting in an uncoordinated manner but can*** rather, because of the absence of controls at internal borders ***and in view of the significant migratory pressures at the external borders*** and the ***need to safeguard a high level of internal security within the Union, be better achieved 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

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders ***in respect of fundamental rights***, thus also ensuring the proper functioning of the Schengen area, ***may not*** be sufficiently achieved by the Member States ***may*** rather, because of the absence of controls at internal borders, ***be better achieved at Union level cooperation, the Union and the Member States may adopt measures, in accordance with Article 2 of the Treaty of the European Union as well as*** 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.

Or. en

Amendment 100
Sofia Sakorafa

Proposal for a regulation
Chapter 1 – title

Text proposed by the Commission

**EUROPEAN BORDER AND COAST
GUARD**

Amendment

EUROPEAN BORDER AGENCY

Or. en

Amendment 101
Geoffrey Van Orden

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up *to ensure a* European *integrated* border management at the external borders with a view to *managing migration effectively* and ensuring a high level of internal security *within the Union*, while safeguarding the free movement of persons therein.

Amendment

In order to assist in dealing with the present emergency, a European Border and Coast Guard is hereby set up *on a temporary basis to improve* European border management at the external borders with a view to *helping deal with the problems of irregular migration* and ensuring a high level of internal security *across the Member States*, while safeguarding *as far as possible* the free movement of persons therein.

Or. en

Amendment 102
Sofia Sakorafa

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border *and Coast Guard* is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and *ensuring a high*

Amendment

A European Border *Agency* is hereby set up to ensure a European integrated border management at the *EU* external borders with a view to managing migration *needs* effectively and *to protecting and saving*

level of internal security within the Union, while safeguarding the free movement of persons therein.

the lives of migrants and refugees at risk always in full compliance with fundamental rights and the principle of non-refoulement and without prejudice of the right of free movement of persons within the European Union.

Or. en

Amendment 103
Manolis Kefalogiannis

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the **EU** external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Or. en

Amendment 104
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively **and ensuring a high level of internal security within the Union**, while safeguarding the free movement of

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively, **to protecting and saving the lives of migrants and refugees, in full compliance with the principle of**

persons therein.

non-refoulement and fundamental rights, while safeguarding the free movement of persons therein.

Or. en

Amendment 105

Tonino Picula, Victor Boştinaru, Iliana Iotova

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Amendment

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply, ***including those Member States to which provisions of the Schengen acquis on lifting internal borders are yet to apply***;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 106

Manolis Kefalogiannis

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the

Amendment

(1) ‘***EU*** external borders’ means the land and sea borders of the Member States ***with third countries*** and their airports and

provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 107

Jaromír Štětina, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

Amendment

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply; ***and land and sea borders of Member States with third countries to which the provisions do not yet apply.***

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 108

Sofia Sakorafa

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Amendment

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant ***non military*** staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Or. en

Amendment 109
Sofia Sakorafa

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘home Member State’ means the Member State of which a member of the European Border and Coast Guard Teams is a border guard or other relevant staff member;

Amendment

(5) ‘home Member State’ means the Member State of which a member of the European Border and Coast Guard Teams is a border guard or other ***non military*** relevant staff member;

Or. en

Amendment 110
Sofia Sakorafa

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of

Amendment

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of

border guard services or other relevant staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

border guard services or other *non military* relevant staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

Or. en

Amendment 111
Sofia Sakorafa

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

European Border *and Coast Guard*

Amendment

European Border *Agency*

Or. en

Amendment 112
Geoffrey Van Orden

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall *constitute the* European Border and Coast Guard.

Amendment

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall *undertake common* European Border and Coast Guard *missions, respecting national sovereignty over border management while also enhancing wider European security;*

Or. en

Amendment 113
Manolis Kefalogiannis

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute *the* European Border and Coast Guard.

Amendment

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute European Border and Coast Guard *missions*.

Or. en

Amendment 114
Sofia Sakorafa

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The European Border *and Coast Guard* Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute the European Border and Coast Guard.

Amendment

1. The European Border Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute the European Border and Coast Guard.

Or. en

Amendment 115
Manolis Kefalogiannis

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard

Amendment

2. The European Border and Coast Guard

Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Agency, **by decision of the Management Board**, shall establish an **annual** operational and technical strategy for the European integrated border management, **taking into account, where justified, the specific situation of the Member States, in particular their geographical location. This strategy shall be in line with Article 4 of this Regulation.** It shall promote and ensure the implementation of European integrated border management in all Member States.

Or. en

Amendment 116
Sofia Sakorafa

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border **and Coast Guard Agency** shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border **Agency, by decision of the Management Board** shall establish an **annual** operational and technical strategy for the European integrated border management **in full compliance with fundamental rights, taking into account, where justified, the specific situation of the Member States, in particular their geographical location. This strategy shall be in line with Article 4 of this Regulation.** It shall promote and ensure the implementation of European integrated border management in all Member States.

Or. en

Amendment 117
Geoffrey Van Orden

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Border and *Coast Guard* Agency shall *establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.*

2. The European Border and *Coastguard* Agency shall *be established for a 3-year period and propose an annual operational and technical strategy, with clear objectives and measurable targets for improved border security and management.*

Or. en

Amendment 118

Sofia Sakorafa

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) border control, *including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;*

(a) border control

Or. en

Amendment 119

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) border control, including measures related to the prevention, *detection and investigation* of cross-border crime, where appropriate;

(a) border control, including measures related to the prevention *and detection* of cross-border crime, where appropriate, *without prejudice to the rights of persons subject to border control, in particular as regards non-refoulement, and in full respect of human dignity;*

Amendment 120

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) conduct and coordination of search and rescue operations at sea and support to civil society organisations and initiatives conducting search and rescue operations at sea;

Or. en

Amendment 121

Sofia Sakorafa

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the rescue of persons in distress at sea;

Or. en

Amendment 122

Manolis Kefalogiannis

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) analysis of the risks for internal security and analysis of the threats that may affect

(b) analysis of the risks for internal security and analysis of the threats that may affect

the functioning or security of the external borders;

the functioning or security of the *EU* external borders;

Or. en

Amendment 123
Sofia Sakorafa

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) cooperation with third countries in the areas of covered by this Regulation, *focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration;*

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation *excluding cooperation with non democratic* countries

Or. en

Amendment 124
Manolis Kefalogiannis

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin *and* transit for irregular immigration;

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin *and/or* transit for irregular immigration *in cooperation with the Commission and the EEAS;*

Or. en

Amendment 125
Geoffrey Van Orden

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration;

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration; *in cooperation with Member States, the Commission and the EEAS;*

Or. en

Amendment 126
Sofia Sakorafa

Proposal for a regulation
Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) technical and operational measures within the area of free movement *which are related to border control and designed to prevent irregular immigration and to counter cross-border crime;*

Amendment

(e) technical and operational measures within the area of free movement;

Or. en

Amendment 127
Sofia Sakorafa

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) return of third-country nationals

Amendment

(f) return of third-country nationals

illegally staying on the territory of the Member States;

illegally staying on the territory of the Member States *if necessary and only after their request*;

Or. en

Amendment 128
Geoffrey Van Orden

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

deleted

Or. en

Amendment 129
Manolis Kefalogiannis

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

1. The European Border and Coast Guard **Agency** shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

Or. en

Amendment 130
Arnaud Danjean

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

Text proposed by the Commission

Amendment

1 a. Those Member States whose borders constitute the external borders shall ensure the management of the external borders, in their interests and in the interest of all Member States, in full compliance with Union law and in line with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 131
Manolis Kefalogiannis

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Border and Coast Guard Agency shall ***facilitate*** the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, ***and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.***

2. The European Border and Coast Guard Agency shall ***support*** the application of Union measures relating to the management of ***EU*** external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures.

Amendment 132

Sofia Sakorafa

Proposal for a regulation**Article 5 – paragraph 2***Text proposed by the Commission*

2. The European Border *and Coast Guard* Agency shall *facilitate* the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. *Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.*

Amendment

2. The European Border Agency shall *support* the application of Union measures relating to the management of *EU* external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return.

Amendment 133

Geoffrey Van Orden

Proposal for a regulation**Article 5 – paragraph 2***Text proposed by the Commission*

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by *reinforcing*, assessing and *coordinating* the actions of Member States in the implementation of those measures, and in

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of *EU* external borders by assessing and *reinforcing* the actions of Member States in the implementation of those measures, and in return, Member

return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States ***which have abolished internal border control***, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

States shall ensure the management of their section of the external borders, in their interests and in ***the*** interest of all Member States, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 134

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, ***as well as in search and rescue operations at sea*** and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 135

Sofia Sakorafa

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area. *deleted*

Or. en

Amendment 136
Geoffrey Van Orden

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area. *deleted*

Or. en

Amendment 137
Manolis Kefalogiannis

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary *corrective* measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the **EU** external borders in the cases foreseen in this Regulation, in particular where the necessary measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Or. en

Amendment 138
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States hold primary responsibility for the implementation of the relevant international, EU and national legislation and law enforcement actions undertaken in the context of joint operations coordinated by the European Border and Coast Guard and therefore also for the respect of fundamental rights during these activities. The European Border and Coast Guard is also responsible, as the coordinator, and remains fully accountable for all actions and decisions under its mandate. The Commission, in cooperation with the

Agency, the Council and relevant stakeholders, shall further analyse provisions related to accountability and liability and redress any potential or actual gaps connected to activities of the Agency.

Or. en

Amendment 139
Sofia Sakorafa

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

EUROPEAN BORDER *AND COAST*
GUARD AGENCY

Amendment

EUROPEAN BORDER AGENCY

Or. en

Amendment 140
Sofia Sakorafa

Proposal for a regulation
Chapter 2 – section 1 – title

Text proposed by the Commission

Tasks of the European Border *and Coast*
Guard Agency

Amendment

Tasks of the European Border Agency

Or. en

Amendment 141
Sofia Sakorafa

Proposal for a regulation
Article 6 – title

Text proposed by the Commission

Amendment

European Border **and Coast Guard**
Agency

European Border Agency

Or. en

Amendment 142

Tonino Picula, Victor Boștinaru, Iliana Iotova

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. To ensure a coherent European integrated border management at all external borders, the Agency shall facilitate and render more effective the application of existing and future Union measures relating to the management of external borders, ***in particular*** the Schengen Borders Code established by Regulation (EC) No 562/2006.

1. To ensure a coherent European integrated border management at all external borders, the Agency shall facilitate and render more effective the application of existing and future Union measures relating to the management of external borders, ***including*** the Schengen Borders Code established by Regulation (EC) No 562/2006.

Or. en

Amendment 143

Sofia Sakorafa

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Border **and Coast Guard** Agency ('the Agency') shall be the new name for the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union established by Council Regulation (EC) No 2007/2004. The activities shall henceforth be based on this Regulation.

2. The European Border Agency ('the Agency') shall be the new name for the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union established by Council Regulation (EC) No 2007/2004. The activities shall henceforth be based on this Regulation.

Amendment 144
Sofia Sakorafa

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. In view of contributing to an efficient, high and uniform level of border control **and return**, the Agency shall perform the following tasks:

Amendment

1. In view of contributing to an efficient, high and uniform level of border control the Agency shall perform the following tasks:

Or. en

Amendment 145
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. In view of contributing to an efficient, high and uniform level of border control and **return**, the Agency shall perform the following tasks:

Amendment

1. In view of contributing to an efficient, high and uniform level of border control and **uniform application of international standards for returns**, the Agency shall perform the following tasks:

Or. en

Amendment 146
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) **establish a monitoring and risk analysis centre with the capacity to**

Amendment

(a) monitor migratory flows and carry out risk analysis as regards all aspects of

monitor migratory flows and *to* carry out risk analysis as regards all aspects of integrated border management;

integrated border management *by making use of available resources such as the Union satellite center and situation center*;

Or. en

Amendment 147
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) carry out *a* vulnerability assessment including the assessment of the capacity of Member States to face threats and pressures at *the* external borders;

Amendment

(b) carry out vulnerability assessment including the assessment of the capacity of Member States to face threats and pressures at *their* external borders;

Or. en

Amendment 148
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) *assist* Member States in circumstances requiring increased technical and operational assistance at the external borders by coordinating and organising joint operations, taking into account that some situations may involve humanitarian emergencies and rescue at sea;

Amendment

(c) *provide support to* Member States in circumstances requiring increased technical and operational assistance at the external borders by coordinating and organising joint operations, taking into account that some situations may involve humanitarian emergencies and rescue at sea;

Or. en

Amendment 149
Bodil Valero
on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) assist Member States in protecting and saving the lives of migrants and refugees in accordance with Regulation (EU) No 656/2014;

Or. en

Amendment 150

Sofia Sakorafa

Proposal for a regulation

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) assist Member States in protecting and saving the lives of people in distress at sea in accordance with Regulation (EU) No 656/2014;

Or. en

Amendment 151

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 7 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) set up a technical equipment pool to be deployed in joint operations, rapid border interventions and in the framework of migration management support teams, as well as in return operations and return interventions;

(f) set up a technical equipment pool to be deployed in joint operations, rapid border interventions, ***search and rescue operations***, and in the framework of migration management support teams, as well as in return operations and return

interventions;

Or. en

Amendment 152
Sofia Sakorafa

Proposal for a regulation
Article 7 – paragraph 1 – point f

Text proposed by the Commission

(f) set up a technical equipment pool to be deployed in joint operations, rapid border interventions and in the framework of migration management support teams, *as well as in return operations and return interventions*;

Amendment

(f) set up a technical equipment pool to be deployed in joint operations, rapid border interventions and in the framework of migration management support teams;

Or. en

Amendment 153
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point h

Text proposed by the Commission

(h) support the development of technical standards for equipment, especially for tactical level command, control and communication as well as technical surveillance to ensure interoperability at Union and national level;

Amendment

(h) support the development of **common** technical standards for equipment, especially for tactical level command, control and communication as well as technical surveillance to ensure interoperability at Union and national level;

Or. en

Amendment 154
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point k

Text proposed by the Commission

(k) set up pools of forced return monitors, forced return escorts and return specialists;

Amendment

(k) set up pools of forced return monitors, forced return escorts and return specialists ***using resources allocated by member States;***

Or. en

Amendment 155
Tonino Picula

Proposal for a regulation
Article 7 – paragraph 1 – point n

Text proposed by the Commission

(n) participate in the development and management of research and innovation activities relevant for the control and surveillance of external borders, including the use of advanced surveillance technology such as remotely piloted aircraft systems and develop pilot projects regarding matters covered by this Regulation;

Amendment

(n) ***monitor and*** participate in the development and management of research and innovation activities relevant for the control and surveillance of external borders, including the use of advanced surveillance technology such as remotely piloted aircraft systems and develop pilot projects regarding matters covered by this Regulation;

Or. en

Amendment 156
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point n

Text proposed by the Commission

(n) ***participate in*** the development and management of research and innovation activities relevant for the control and surveillance of external borders, including the use of advanced surveillance

Amendment

(n) ***monitor*** the development and management of research and innovation activities relevant for the control and surveillance of ***EU*** external borders, including the use of advanced surveillance

technology such as remotely piloted aircraft systems and develop pilot projects regarding matters covered by this Regulation;

technology such as remotely piloted aircraft systems and develop pilot projects regarding matters covered by this Regulation;

Or. en

Amendment 157

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 7 – paragraph 1 – point o

Text proposed by the Commission

(o) develop and operate, in accordance with Regulation (EC) No 45/2001⁴⁰ and Framework Decision 2008/977/JHA, information systems that enable swift and reliable exchanges of information regarding emerging risks at the management of the external borders, irregular immigration **and return**, in close cooperation with the Commission, Union agencies, bodies and offices as well as the European Migration Network established by Council Decision 2008/381/EC;⁴¹

⁴⁰ 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 8, 12.1.2001, p. 1).

⁴¹ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7).

Amendment

(o) develop and operate, in accordance with Regulation (EC) No 45/2001⁴⁰ and Framework Decision 2008/977/JHA, information systems that enable swift and reliable exchanges of information regarding emerging risks at the management of the external borders, irregular immigration, **return and humanitarian emergencies at sea**, in close cooperation with the Commission, Union agencies, bodies and offices as well as the European Migration Network established by Council Decision 2008/381/EC;⁴¹

⁴⁰ 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 8, 12.1.2001, p. 1).

⁴¹ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7).

Or. en

Amendment 158

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 7 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(o a) Conduct and coordinate search and rescue operations at sea, in close coordination with member states, third countries and civil society organisations;

Or. en

Amendment 159

Manolis Kefalogiannis

Proposal for a regulation

Article 7 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) cooperate with the European Fisheries Control Agency and the European Maritime Safety Agency to support the national authorities carrying out coast guard functions by providing services, information, equipment and training, as well as by coordinating multipurpose operations;

(q) cooperate with the European Fisheries Control Agency and the European Maritime Safety Agency to support the national authorities carrying out coast guard functions by providing services, information ***and, where necessary,*** equipment and training, as well as by coordinating multipurpose operations;

Or. en

Amendment 160

Tonino Picula

Proposal for a regulation

Article 7 – paragraph 1 – point r

Text proposed by the Commission

(r) assist Member States and third countries in the context of operational cooperation between them in the fields of external border management and return.

Amendment

(r) assist Member States and third countries in the context of operational cooperation between them in the fields of external border management and return, ***as well as the organisation of humanitarian corridors.***

Or. en

Amendment 161
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 1 – point r

Text proposed by the Commission

(r) assist Member States ***and third countries in the context of*** operational cooperation ***between them*** in the fields of external border management and return.

Amendment

(r) assist Member States ***in their*** operational cooperation ***with third countries*** in the fields of external border management and return.

Or. en

Amendment 162
Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation
Article 7 – paragraph 1 – point r

Text proposed by the Commission

(r) assist Member States and third countries in the context of ***operational*** cooperation ***between them*** in the fields of external border management and return.

Amendment

(r) assist Member States and third countries in the context of ***their*** cooperation in the fields of external border management and return.

Or. en

Amendment 163
Sofia Sakorafa

Proposal for a regulation
Article 7 – paragraph 1 – point r a (new)

Text proposed by the Commission

Amendment

(r a) Adopt and promote the highest standards for border management practices, allowing for transparency and public scrutiny and ensuring respect, protection and promotion of fundamental rights and rule of law.

Or. en

Amendment 164
Sofia Sakorafa

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, ***including military operations on a law enforcement mission and in the field of return, where such cooperation is compatible with the action of the Agency. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.***

Member States may continue cooperation at an operational level with other Member States and/or third countries at ***EU*** external borders;

Or. en

Amendment 165
Manolis Kefalogiannis

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, ***including military operations on a law enforcement mission*** and in the field of return, ***where such cooperation is compatible with the action of the Agency.*** Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Amendment

Member States may continue cooperation at an operational level with other Member States and/or third countries at ***the EU*** external borders, and in the field of return, Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Or. en

Amendment 166
Geoffrey Van Orden

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, including military operations on a law enforcement mission and in the field of return, ***where such cooperation is compatible with the action of the Agency.*** ***Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.***

Amendment

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, including military operations on a law enforcement mission and in the field of return.

Or. en

Amendment 167
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, ***including military operations on a law enforcement mission and in the field of return***, where such cooperation is compatible with the action of the Agency. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Amendment

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, where such cooperation is compatible with the action of the Agency. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Or. en

Amendment 168
Tonino Picula

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, including military operations on a law enforcement mission and in the field of return, where such cooperation is ***compatible*** with the action of the Agency. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Amendment

Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, including military operations on a law enforcement mission and in the field of return, where such cooperation is ***not contradictory*** with the action of the Agency ***and CSDP and NATO missions where appropriate***. Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Or. en

Amendment 169
Sofia Sakorafa

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

The Agency and the national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall be subject to a duty to cooperate in good faith, ***and an obligation to exchange information.***

Amendment

The Agency and the national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall be subject to a duty to cooperate in good faith.

Or. en

Amendment 170
Manolis Kefalogiannis

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

The Agency and the national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall be subject to a duty to cooperate in good faith, ***and an obligation to exchange information.***

Amendment

The Agency and the national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall be subject to a duty to cooperate in good faith.

Or. en

Amendment 171
Sofia Sakorafa

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall ***establish a monitoring and risk analysis centre with the capacity*** to monitor migratory flows towards and within the Union. For this

Amendment

1. The Agency shall ***make intelligence-driven use if available Union resources*** to monitor migratory flows towards and within the Union. For this purpose, the

purpose, the Agency shall develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Agency shall, **by a decision of the Management Board** develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Or. en

Amendment 172
Manolis Kefalogiannis

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall **establish a monitoring and risk analysis centre with the capacity** to monitor migratory flows towards and within the Union. For this purpose, the Agency shall develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Amendment

1. The Agency shall **make intelligence-driven use of available Union resources** to monitor migratory flows towards and within the Union. For this purpose, the Agency shall, **by a decision of the Management Board** develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Or. en

Amendment 173
Tonino Picula

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Agency shall establish a monitoring and risk analysis centre with the capacity to **monitor** migratory flows towards and within the Union. For this purpose, the Agency shall develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Amendment

1. The Agency shall establish a monitoring and risk analysis centre with the capacity to **screen** migratory flows towards and within the Union. For this purpose, the Agency shall develop a common integrated risk analysis model, which shall be applied by the Agency and the Member States.

Or. en

Amendment 174

Sofia Sakorafa

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The Agency shall prepare general and tailored risk analyses and submit it to the Council and the Commission.

Amendment

2. The Agency shall prepare general and tailored risk analyses and submit it to the ***European Parliament, the*** Council and the Commission. ***The Agency shall make public its methodology and criteria for the risk analysis.***

Or. en

Amendment 175

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The Agency shall prepare general and tailored risk analyses and submit it to the Council and the Commission.

Amendment

2. The Agency shall prepare general and tailored risk analyses and submit it to the ***European Parliament,*** the Council and the Commission.

Or. en

Amendment 176

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. The risk analysis prepared by the Agency shall cover all aspects relevant to the European integrated border management, in particular border control, return, irregular secondary movements of third-country nationals within the Union, the prevention of cross-border crime ***including facilitation of irregular immigration***, trafficking in human being and terrorism, as well as the situation in neighbouring third countries with a view to developing a pre-warning mechanism which analyses the migratory flows towards the Union.

Amendment

3. The risk analysis prepared by the Agency shall cover all aspects relevant to the European integrated border management, in particular border control, ***the protection of fundamental rights***, return, irregular secondary movements of third-country nationals within the Union, the prevention of cross-border crime, trafficking in human being and terrorism, as well as the situation in neighbouring third countries with a view to developing a pre-warning mechanism which analyses the migratory flows towards the Union ***as well as the respect for fundamental rights***.

Or. en

Amendment 177

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. The risk analysis prepared by the Agency shall cover all aspects relevant to the European integrated border management, in particular border control, return, irregular secondary movements of third-country nationals within the Union, the prevention of cross-border crime including facilitation of irregular immigration, trafficking in human being and terrorism, as well as the situation in neighbouring third countries with a view to developing a pre-warning mechanism which analyses the migratory flows towards the Union.

Amendment

3. The risk analysis prepared by the Agency shall cover all aspects relevant to the European integrated border management, in particular border control, return, irregular secondary movements of third-country nationals within the Union, the prevention of cross-border crime including facilitation of irregular immigration, trafficking in human being and terrorism, as well as the situation in neighbouring third countries ***and countries of origin and transit for irregular migration*** with a view to developing a pre-warning mechanism which analyses the migratory flows towards the Union.

Or. en

Amendment 178

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Agency shall make its methodology and criteria for the risk analysis public.

Or. en

Amendment 179

Sofia Sakorafa

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall take results of the risk analysis into account when planning their operations and activities at the external borders ***as well as their activities with regard to return.***

6. Member States shall take results of the risk analysis into account when planning their operations and activities at the ***EU*** external borders.

Or. en

Amendment 180

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall take results of the risk analysis into account when planning their operations and activities at the

6. Member States shall take results of the risk analysis into account when planning their operations and activities at the

external borders as well as their activities with regard to return.

external borders as well as their activities with regard to return. ***An operational engagement of the Agency shall require a prior assessment, drawing on a broad range of sources, to identify if there are risks of fundamental rights violations or deficiencies in relevant civil and criminal laws and procedures that would make the cooperation incompatible with legal obligations, in particular to ensure protection from refoulement and the right to an effective remedy.***

Or. en

Amendment 181
Manolis Kefalogiannis

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Liaison officers in Member States

Amendment

Liaison officers in Member States ***and third countries***

Or. en

Amendment 182
Sofia Sakorafa

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure regular monitoring of the management of the external borders through liaison officers ***of the Agency*** in Member States.

Amendment

1. The Agency shall ensure regular monitoring of the management of the ***EU*** external borders through liaison officers in Member States.

Or. en

Amendment 183
Manolis Kefalogiannis

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The Agency shall ensure regular monitoring of the management of the external borders through liaison officers *of the Agency* in Member States.

Amendment

1. The Agency shall ensure regular monitoring of the management of the external borders through liaison officers in Member States *and third countries*.

Or. en

Amendment 184
Manolis Kefalogiannis

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The Executive Director *shall appoint experts from the staff of the Agency to be deployed as liaison officers. The Executive Director* shall, based on risk analysis and *in consultation with the Management Board, determine* the nature of the deployment, the Member State to which a liaison officer may be deployed and the duration of the deployment. The Executive Director shall *notify* the Member State concerned of the *appointment and shall determine, together with the Member State, the location of deployment*.

Amendment

2. The Executive Director *draw expertise from liaison officers to be appointed and deployed in the member States and third countries. The Management Board* shall, based on risk analysis and *on a proposal of the Executive Director, decide* the nature of the deployment, the member State to which a liaison officer may be deployed and the duration of the deployment *and notify its decisions to the Member State concerned*. The Executive Director shall *consult* the Member State concerned *on the nature and duration of the deployment before making its proposal and on the tasks which are not covered by paragraph 3*.

Or. en

Amendment 185
Sofia Sakorafa

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall appoint experts from the staff of the Agency to be deployed as liaison officers. The Executive Director shall, based on risk analysis and *in consultation with the Management Board, determine* the nature of the deployment, the Member State to which a liaison officer may be deployed and the duration of the deployment. The Executive Director shall *notify* the Member State concerned of the *appointment and shall determine, together with the Member State, the location of deployment.*

Amendment

2. The Management Board shall, based on risk analysis and *on a proposal of the Executive Director, decide* the nature of the deployment, the Member State to which a liaison officer may be deployed and the duration of the deployment. The Executive Director shall *consult* the Member State concerned *on the nature and duration of the deployment before making proposal and on the tasks which are not covered by paragraph 3. The experts should be non-military personnel and with adequate training, including on how to implement respect of fundamental rights on all policies and actions.*

Or. en

Amendment 186
Sofia Sakorafa

Proposal for a regulation
Article 11 – paragraph 3 – point d

Text proposed by the Commission

(d) assist the Member States in preparing their contingency plans;

Amendment

(d) assist, ***if requested by*** the Member States in preparing their contingency plans;

Or. en

Amendment 187
Geoffrey Van Orden

Proposal for a regulation
Article 11 – paragraph 3 – point e

Text proposed by the Commission

(e) report regularly to the Executive

Amendment

(e) report regularly to the Executive

Director on the situation at the external border and the capacity of the Member State concerned to deal effectively with the situation *at the external borders*;

Director *and to the Head of the relevant national authority* on the situation at the external border and the capacity of the Member State concerned to deal effectively with the situation;

Or. en

Amendment 188
Sofia Sakorafa

Proposal for a regulation
Article 11 – paragraph 3 – point e

Text proposed by the Commission

(e) report regularly to the Executive Director *on* the situation at the external border and the capacity of the Member State concerned to deal effectively with the situation *at the external* borders;

Amendment

(e) report regularly to the Executive Director *and the Management Board on their estimations of* the situation at the *EU* external border and *of* the capacity of the Member State concerned to deal effectively with the situation *without prejudice to the Member State's sovereignty on its* borders;

Or. en

Amendment 189
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 11 – paragraph 3 – point f

Text proposed by the Commission

(f) monitor the measures taken by the Member State with regard to a situation requiring urgent action at the external borders as referred to in Article 18;

Amendment

deleted

Or. en

Amendment 190
Sofia Sakorafa

Proposal for a regulation
Article 11 – paragraph 4 – point a

Text proposed by the Commission

(a) have *unlimited* access to the national coordination centre and the national situational picture established in accordance with Regulation (EU) No 1052/2013;

Amendment

(a) have access to the national coordination centre and the national situational picture established in accordance with Regulation (EU) No 1052/2013

Or. en

Amendment 191
Sofia Sakorafa

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control. That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency.

Amendment

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control, *and full respect for fundamental rights*. That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency.

Or. en

Amendment 192
Bodil Valero

on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control. That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency.

Amendment

1. The Agency shall assess the technical equipment, systems, capabilities, resources and contingency plans of the Member States regarding border control, ***and respect for fundamental rights***. That assessment shall be based on information provided by the Member State and by the liaison officer, on information derived from Eurosur, in particular the impact levels attributed to the external land and sea border sections of each Member State in accordance with Regulation (EU) No 1052/2013, and on the reports and evaluations of joint operations, pilot projects, rapid border interventions and other activities of the Agency. ***Assessment of respect for fundamental rights shall include the presence and effectiveness of the instruments in place to ensure access to information and quality legal assistance, referral to relevant procedures and access to effective remedies, for persons arriving at the border. The methodology for this aspect of the vulnerability assessment shall be established in consultation with the Fundamental Rights Agency, EASO, the Fundamental Rights Officer and the Consultative Forum.***

Or. en

Amendment 193
Manolis Kefalogiannis

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The results of the vulnerability assessment shall be submitted to the ***Supervisory Board***, which shall advise the Executive Director on the measures to be taken by the Member States based on the results of the vulnerability assessment, and taking into account the Agency's risk analysis and the results of the Schengen evaluation mechanism.

Amendment

4. The results of the vulnerability assessment shall be submitted to the ***Member State concerned***, which shall advise the Executive Director on the measures to be taken by the Member States based on the results of the vulnerability assessment, and taking into account the Agency's risk analysis and the results of the Schengen evaluation mechanism.

Or. en

Amendment 194
Sofia Sakorafa

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The results of the vulnerability assessment shall be submitted to the ***Supervisory Board, which shall advise*** the Executive Director ***on*** the measures to be ***taken by*** the Member States ***based*** on the results of the vulnerability assessment, ***and*** taking into account the Agency's risk analysis and the results of the Schengen evaluation mechanism.

Amendment

4. The results of the vulnerability assessment shall be submitted to the ***Member States concerned. The Member State concerned may comment on the assessment.*** The Executive Director ***shall base*** the measures to be ***recommended to the*** the Member States ***concerned*** on the results of the vulnerability assessment, taking into account the Agency's risk analysis, ***the comments of the Member concerned*** and the results of the Schengen evaluation mechanism.

Or. en

Amendment 195
Manolis Kefalogiannis

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The Executive Director shall adopt a **decision** setting out the necessary corrective measures to be taken by the Member State concerned, including by using resources under the Union financial instruments. ***The decision of the Executive Director shall be binding on the Member State and shall lay down the time-limit within which the measures are to be taken.***

Amendment

5. The Executive Director shall adopt a **recommendation** setting out the necessary corrective measures to be taken by the Member State concerned, including by using resources under the Union financial instruments ***and laying down the time-limit within which the measures are to be taken. The Executive Director shall adopt this recommendation in an advisory capacity and the Member State concerned shall justify not implementing the recommendations.***

Or. en

Amendment 196
Geoffrey Van Orden

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The Executive Director shall ***adopt a decision setting out the*** necessary corrective measures to be taken by the Member State concerned, including by using resources under the Union financial instruments. ***The decision of the Executive Director shall be binding on the Member State and shall lay down the time-limit*** within which the measures are to be taken.

Amendment

5. The Executive Director shall, ***in close liaison with the Head of the national authority concerned, propose*** necessary corrective measures to be taken by the Member State concerned, including by using resources under the Union financial instruments ***and laying down the time limit*** within which the measures are to be taken.

Or. en

Amendment 197
Sofia Sakorafa

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Executive Director shall ***adopt a decision*** setting out the necessary ***corrective*** measures to be taken by the Member State concerned, including ***by using resources under the Union financial instruments***. ***The decision of the Executive Director shall be binding on the Member State and shall lay down the time-limit within which the measures are to be taken.***

5. The Executive Director shall ***in consultation with the Member State concerned, make a recommendation*** setting out the necessary measures to be taken by the Member State concerned, including ***the timelimit within such measures shall be implemented***. ***The Executive Director shall invite the Member States concerned to take the necessary measures;***

Or. en

Amendment 198
Geoffrey Van Orden

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a Member State does not adopt the necessary corrective measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with Article 18.

deleted

Or. en

Amendment 199
Manolis Kefalogiannis

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

6. Where a Member State **does not** adopt the necessary **corrective** measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. **The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision,** further action may be taken by the Commission in accordance with Article 18.

Amendment

6. Where a Member State **is unable to** adopt the necessary measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. Further action may be taken by the Commission in accordance with Article 18.

Or. en

Amendment 200
Sofia Sakorafa

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

6. Where a Member State **does not** adopt the necessary **corrective** measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. **The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with Article 18.**

Amendment

6. Where a Member State **is unable to** adopt the necessary measures **of the recommendation** within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify **the European Parliament, the Council and the Commission. Further action may be taken in accordance with Article 18. The procedure shall include an assessment of the impacts of such measures and/or actions regarding fundamental rights, and ensure compliance with obligations according to international law.**

Amendment 201

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. Where a Member State does not adopt the necessary corrective measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with **Article 18**.

Amendment

6. Where a Member State does not adopt the necessary corrective measures within the time-limit set, the Executive Director shall refer the matter to the Management Board and notify the Commission. The Management Board shall adopt a decision setting out the necessary corrective measures to be taken by the Member State concerned, including the time-limit within which such measures shall be taken. If the Member State does not take the measures within the time-limit foreseen in that decision, further action may be taken by the Commission in accordance with **Article 258 TFEU**.

Or. en

Amendment 202

Sofia Sakorafa

Proposal for a regulation

Chapter 2 – section 3 – title

Text proposed by the Commission

External Border Management

Amendment

EU External Border Management

Or. en

Amendment 203
Manolis Kefalogiannis

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Actions by the Agency at the external borders

Amendment

Actions by the Agency at the **EU** external borders

Or. en

Amendment 204
Sofia Sakorafa

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States may request the Agency for assistance in implementing **their obligations with regard to** the control of **the** external borders. **The Agency shall also carry out measures as referred to in Article 18.**

Amendment

1. Member States may request the Agency for assistance in implementing the control of **their EU** external borders.

Or. en

Amendment 205
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States may request the Agency for assistance in implementing their obligations with regard to the control of the external borders. **The Agency shall also carry out measures as referred to in**

Amendment

1. Member States may request the Agency for assistance in implementing their obligations with regard to the control of the external borders.

Article 18.

Or. en

Amendment 206

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 13 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) exchange information on migration flows with civil society organisations and initiatives conducting search and rescue operations;

Or. en

Amendment 207

Sofia Sakorafa

Proposal for a regulation

Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) organise rapid border interventions and deploy European Border *and Coast Guard* Teams from the rapid reserve pool, and additional European Border and Coast Guards Teams as appropriate;

(b) organise rapid *EU external* border interventions and deploy European Border *Agency* Teams from the rapid reserve pool, and additional European Border and Coast Guards Teams as appropriate;

Or. en

Amendment 208

Sofia Sakorafa

Proposal for a regulation

Article 13 – paragraph 2 – point c

Text proposed by the Commission

(c) coordinate activities for one or more Member States and third countries at the external borders, including joint operations with neighbouring third countries;

Amendment

(c) coordinate activities for one or more Member States and third countries at the *EU* external borders, including joint *non military* operations with neighbouring third countries, *as long as all concerned Member States authorize it*;

Or. en

Amendment 209

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 13 – paragraph 2 – point c

Text proposed by the Commission

(c) coordinate activities for one or more Member States and third countries at the external borders, including joint operations with neighbouring third countries;

Amendment

(c) coordinate activities for one or more Member States and third countries at the external borders, including joint operations with neighbouring third countries *which share a common land border with one or more Member States and which have ratified and implement in full the European Convention on Human Rights and the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto*;

Or. en

Amendment 210

Sofia Sakorafa

Proposal for a regulation

Article 13 – paragraph 2 – point d

Text proposed by the Commission

(d) deploy European Border and Coast

Amendment

(d) *following specific request of the*

Guard Teams in the framework of the migration management support teams at hotspot areas;

concerned Member State and under its supervision, deploy European Border and Coast Guard Teams in the framework of the migration management support teams at hotspot areas;

Or. en

Amendment 211
Manolis Kefalogiannis

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Initiating joint operations and rapid border interventions at the external borders

Amendment

Initiating joint operations and rapid border interventions at the *EU* external borders

Or. en

Amendment 212
Sofia Sakorafa

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Initiating joint operations and rapid border interventions at the external borders

Amendment

Initiating joint operations and rapid border interventions at the *EU* external borders

Or. en

Amendment 213
Sofia Sakorafa

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States may request the Agency

Amendment

1. Member States may request the Agency

to launch joint operations to face **upcoming** challenges, **including present or future threats at the external borders resulting from irregular immigration or cross-border crime**, or to provide increased technical and operational assistance when implementing their obligations with regard to the control of the external borders.

to launch joint operations to face challenges or to provide increased technical and operational assistance when implementing their obligations with regard to the control of the **EU** external borders.

Or. en

Amendment 214

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States may request the Agency to launch joint operations to face upcoming challenges, including present or future threats at the external borders resulting from **irregular immigration or cross-border crime**, or to provide increased technical and operational assistance when implementing their obligations with regard to the control of the external borders.

Amendment

1. Member States may request the Agency to launch joint operations to face upcoming challenges, including present or future threats at the external borders resulting from cross-border crime, or to provide increased technical and operational assistance when implementing their obligations with regard to the control of the external borders.

Or. en

Amendment 215

Sofia Sakorafa

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. At the request of a Member State faced with a situation of specific and disproportionate **pressures**, especially the arrival at points of the external borders of

Amendment

2. At the request of a Member State faced with a situation of specific and disproportionate **situation**, especially the arrival at points of the **EU** external borders

large numbers of third-country nationals *trying to enter the territory of that Member State illegally*, the Agency may deploy *a rapid border intervention* for a *limited* period of time on the territory of that host Member State.

of large numbers of third-country nationals *seeking international protection*, the Agency may deploy *personnel and provide assistance* for a *specific* period of time on the territory of that host Member State *for purposes that the latter designates*.

Or. en

Amendment 216
Manolis Kefalogiannis

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall evaluate, approve and coordinate proposals for joint operations made by Member States. Joint operations and rapid border interventions shall be preceded by a thorough, reliable and up-to-date risk analysis, thereby enabling the Agency to set an order of priority for the proposed joint operations and rapid border interventions, taking into account the impact level to external border sections in accordance with Regulation (EU) No 1052/2013 and the availability of resources.

Amendment

3. The Executive Director *and the management board* shall evaluate, approve and coordinate proposals for joint operations made by Member States. Joint operations and rapid border interventions shall be preceded by a thorough, reliable and up-to-date risk analysis, thereby enabling the Agency to set an order of priority for the proposed joint operations and rapid border interventions, taking into account the impact level to external border sections in accordance with Regulation (EU) No 1052/2013 and the availability of resources.

Or. en

Amendment 217
Tonino Picula

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. The objectives of a joint operation or rapid border intervention may be achieved as part of a multipurpose operation which

Amendment

5. The objectives of a joint operation or rapid border intervention may be achieved as part of a multipurpose operation which

may involve the rescue of persons in distress at sea or other coast guard functions, the fight against migrant smuggling or trafficking in human beings, drug trafficking control operations, and migration management including identification, registration, debriefing and return.

may involve the rescue of persons in distress at sea or other coast guard functions ***conducted in a way that, in all instances, ensures the safety of the persons intercepted or rescued, the safety of the participating units and that of third parties***, the fight against migrant smuggling or trafficking in human beings, drug trafficking control operations, and migration management including identification, registration, debriefing and return.

Or. en

Amendment 218 **Sofia Sakorafa**

Proposal for a regulation **Article 14 – paragraph 5**

Text proposed by the Commission

5. The objectives of a joint operation or rapid border intervention may be achieved as part of a multipurpose operation which may involve the rescue of persons in distress at sea ***or other coast guard functions***, the fight against migrant smuggling or trafficking in human beings, ***drug trafficking control operations***, and migration management including identification, registration, debriefing and return.

Amendment

5. The objectives of a joint operation or rapid border intervention may be achieved as part of a multipurpose operation which may involve the rescue of persons in distress at sea, the fight against migrant smuggling or trafficking in human beings and migration management including identification, registration, debriefing and return ***without prejudice of the sovereignty of the concerned member State and following decisions for return based on the full implementation of its national and the European law.***

Or. en

Amendment 219 **Sofia Sakorafa**

Proposal for a regulation **Article 15 – paragraph 2**

Text proposed by the Commission

2. The Executive Director shall draw up an operational plan for joint operations at the external borders. The Executive Director and the host Member State, in consultation with the participating Member States, shall agree on the operational plan detailing the organisational aspects of the joint operation.

Amendment

2. The Executive Director shall draw up an operational plan for joint operations at the external borders ***in full compliance with the provisions as set out in Article 2 of the Treaty of the European Union, in the 1951 Geneva Convention and its protocols and with full respect of international law.*** The Executive Director and the host Member State, in consultation with the participating Member States, shall agree on the operational plan detailing the organisational aspects of the joint operation.

Or. en

Amendment 220

Sofia Sakorafa

Proposal for a regulation

Article 15 – paragraph 3 – point f

Text proposed by the Commission

(f) command and control provisions, including the names and ranks of the border guards of the host Member State responsible for cooperating with the members of the teams and the Agency, in particular the names and ranks of those border guards who are in command during the period of deployment, and the place of the members of the teams in the chain of command;

Amendment

(f) command and control provisions, including the names and ranks of the border guards of the host Member State responsible for cooperating with the members of the teams and the Agency, in particular the names and ranks of those border ***and coast*** guards who are in command during the period of deployment, and the place of the members of the teams in the chain of command;

Or. en

Amendment 221

Tonino Picula

Proposal for a regulation

Article 15 – paragraph 3 – point j

Text proposed by the Commission

(j) regarding sea operations, specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation takes place, including references to international and Union law regarding interception, rescue at sea and disembarkation. In that regard the operational plan shall be established in accordance with Regulation (EU) No 656/2014 of the European Parliament and of the Council;⁴²

⁴² Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (OJ L 189, 27.6.2014, p. 93).

Amendment

(j) regarding sea operations, specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation takes place, including references to international and Union law regarding interception, **search**, rescue at sea and disembarkation. In that regard the operational plan **defining the role of the Agency in search and rescue activities** shall be established in accordance with **international law provisions and** Regulation (EU) No 656/2014 of the European Parliament and of the Council;⁴²

⁴² Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (OJ L 189, 27.6.2014, p. 93).

Or. en

Amendment 222
Sofia Sakorafa

Proposal for a regulation
Article 15 – paragraph 3 – point j

Text proposed by the Commission

(j) regarding sea operations, specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation takes place, including references to international and Union law regarding interception, rescue at sea and

Amendment

(j) regarding sea operations, specific information on the application of the relevant jurisdiction and legislation in the geographical area where the joint operation takes place, including references to international and Union law regarding interception, rescue at sea and

disembarkation. In that regard the operational plan shall be established in accordance with Regulation (EU) No 656/2014 of the European Parliament and of the Council;⁴²

disembarkation. In that regard the operational plan shall be established in accordance with Regulation (EU) No 656/2014 of the European Parliament and of the Council ***42 and always in respect and compliance with the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea (SOLAS) and the guidelines issued by the International Maritime Organisation and the UN Refugee Agency (UNHCR) on the treatment of people rescued at sea (Resolution MSC.167(78) of the International Maritime Organisation and 'Rescue at Sea: A guide to principles and practice as applied to migrants and refugees.***

⁴² Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (OJ L 189, 27.6.2014, p. 93).

⁴² Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (OJ L 189, 27.6.2014, p. 93).

Or. en

Amendment 223

Tonino Picula

Proposal for a regulation

Article 15 – paragraph 3 – point k

Text proposed by the Commission

(k) modalities of cooperation with third countries, other Union agencies, bodies and offices or international organisations;

Amendment

(k) modalities of cooperation with third countries, other Union agencies, bodies and offices or international organisations ***in close synergy with the Commission and EEAS. The European Parliament shall be regularly informed about this cooperation;***

Amendment 224

Sofia Sakorafa

Proposal for a regulation

Article 15 – paragraph 3 – point m

Text proposed by the Commission

(m) procedures setting out *a* mechanism to receive and *transmit to* the Agency *a complaint* against border guards of the host Member State and members of the European Border and Coast Guard Teams alleging breaches of fundamental rights in the context of the joint operation *or* rapid border intervention.

Amendment

(m) procedures setting out *an independent* mechanism to receive and *deal with a complaint, informing* the Agency *and the Member States concerned*, against border *or coast* guards of the host Member State and members of the European Border and Coast Guard Teams alleging breaches of fundamental rights in the context of the joint operation, rapid border intervention *or any other activity*.

Or. en

Amendment 225

Sofia Sakorafa

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. A request by a Member State to launch a rapid border intervention shall include a description of the situation, possible aims *and envisaged needs*. If required, the Executive Director may immediately send experts *from the Agency* to assess the situation at the external borders of the Member State concerned.

Amendment

1. A request by a Member State to launch a rapid border intervention shall include a description of the situation, possible aims, *envisaged needs and full justification of their compliance with national, european and international law in regards of respect of fundamental rights and the relevant obligations of the Member State and the Union*. If required, the Executive Director may immediately send experts to assess the situation at the *EU* external borders of the Member State concerned.

Or. en

Amendment 226

Sofia Sakorafa

Proposal for a regulation

Article 16 – paragraph 11

Text proposed by the Commission

11. Deployment of the rapid reserve pool shall take place no later than three working days after the date on which the operational plan is agreed between the Executive Director and the host Member State. Additional deployment of European Border and Coast Guard Teams, shall take place where necessary, within five working days of the deployment of the rapid reserve pool.

Amendment

11. Deployment of the rapid reserve pool shall take place no later than three working days after the date on which the operational plan is agreed between the Executive Director and the host Member State. Additional deployment of European Border and Coast Guard Teams, shall take place where necessary, within five working days of the deployment of the rapid reserve pool, ***again after approval of the host Member State.***

Or. en

Amendment 227

Sofia Sakorafa

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. Where a Member State faces disproportionate migratory ***pressures*** at particular hotspot areas of its external border ***characterised by large influxes of mixed migratory flows***, that Member State may request the operational and technical reinforcement by migration management support teams. That Member State shall submit a request for reinforcement and an assessment of its needs to the Agency and other relevant Union Agencies in particular the European Asylum Support Office and ***Europol.***

Amendment

1. Where a Member State faces disproportionate migratory ***and asylum responsibilities*** at particular hotspot areas of its ***EU*** external border, that Member State may request the operational and technical reinforcement by migration management support teams. That Member State shall submit a request for reinforcement and an assessment of its needs to the Agency and other relevant Union Agencies in particular the European Asylum Support Office and ***the European Union Agency for Fundamental Rights.***

Or. en

Amendment 228

Sofia Sakorafa

Proposal for a regulation

Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. The operational and technical reinforcement provided by the European Border and Coast Guard Teams, the European ***Return Intervention Teams*** and experts from the Agency's staff in the framework of the migration management support teams, may include:

Amendment

3. The operational and technical reinforcement provided by the European Border and Coast Guard Teams ***in close and constant cooperation with the European Asylum Support Office and the national competent Authorities of the concerned Member State*** and experts from the Agency's staff in the framework of the migration management support teams, may include:

Or. en

Amendment 229

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 17 – paragraph 3 – point b

Text proposed by the Commission

(b) the provision of information ***to persons in clear need of international protection or to applicants or potential applicants for relocation;***

Amendment

(b) ***supporting the European Asylum Support Office in the provision of information on the asylum procedure, procedural rights and other fundamental rights, to all persons in accordance with Articles 6, 8 and 12 of the Directive 2013/32/EU;***

Or. en

Amendment 230

Bodil Valero

on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 17 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) technical and operational assistance in the field of return, including the preparation and organisation of return operations. *deleted*

Or. en

Amendment 231

Bodil Valero

on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 17 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) technical and operational assistance in the field of return, including the preparation and organisation of return operations.

(c) technical and operational assistance in the field of return, including the preparation and organisation of return operations *in full respect of fundamental rights, due process and the principle of non-refoulement.*

Or. en

Amendment 232

Bodil Valero

on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency in cooperation with the

European Asylum Support Office, the Fundamental Rights Agency and other relevant Union Agencies and under the coordination of the Commission shall ensure the compliance of these activities with the Common European Asylum System and fundamental rights. This includes the provision of shelter, hygienic conditions and facilities respecting gender based and children's needs in the hotspot areas.

Or. en

Amendment 233

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 234

Geoffrey Van Orden

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

*Where a Member State does not take the necessary corrective measures in accordance with a decision of the Management Board referred to in Article 12(6) or in the event of disproportionate migratory pressure at the external border, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the **functioning of***

In the event of disproportionate migratory pressure at the external border, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the **security and well-being of Member States**, the Commission, after consulting the Agency **and the Member State bearing the disproportionate pressure**,, may adopt a

the Schengen area, the Commission, after consulting the Agency, may adopt a decision by means of an implementing act, identifying the measures to be implemented by the Agency and *requiring* the Member State concerned *to cooperate with the Agency in the implementation of those measures*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

decision by means of an implementing act, identifying the measures to be implemented by the Agency and the Member State concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Or. en

Amendment 235
Manolis Kefalogiannis

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a Member State *does not* take the necessary *corrective* measures *in accordance with a decision of the Management Board* referred to in Article 12(6) or in the event of disproportionate migratory pressure at the external border, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area, the Commission, after consulting the Agency, may adopt a decision by means of an implementing act, identifying the measures to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Amendment

Where a Member State *is unable to* take the necessary measures referred to in Article 12 (5) *and* (6) or in the event of disproportionate migratory pressure at the external border, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area, the Commission, after consulting the Agency, may adopt a decision by means of an implementing act, identifying the measures to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Or. en

Amendment 236
Sofia Sakorafa

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a Member State does not take the necessary **corrective** measures in accordance with a decision of the Management Board referred to in Article 12(6) or in the event of disproportionate **migratory pressure at the external border, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area, the Commission, after consulting the Agency, may adopt a decision by means of an implementing act, identifying the measures to be implemented by the Agency and requiring the Member State concerned to cooperate with the Agency in the implementation of those measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).**

Amendment

Where a Member State does not take the necessary measures in accordance with a decision of the Management Board referred to in Article 12(6) or in the event of disproportionate **migration and asylum challenges at the EU external border, the Council may adopt a recommendation with the measures to be implemented by the member State with the assistance of the Agency. The recommendation shall include an assessment of the impacts of such measures on fundamental rights, and ensure compliance with international legal obligations**

Or. en

Amendment 237
Sofia Sakorafa

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 2

Text proposed by the Commission

On duly justified imperative grounds of urgency relating to the functioning of the Schengen area, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 79(5).

Amendment

deleted

Or. en

Amendment 238

Sofia Sakorafa

Proposal for a regulation

Article 18 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) organise return interventions.

deleted

Or. en

Amendment 239

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 18 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) conduct and coordinate search and rescue operations at sea, in coordination with member states, third countries and civil society organisations.

Or. en

Amendment 240

Geoffrey Van Orden

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

Amendment

5. The rapid reserve pool shall be a *standing corps placed at the immediate disposal of the Agency and* which can be deployed from each Member State within three working days from when the operational plan is agreed upon by the

5. The rapid reserve pool shall be a *stand-by pool* which can be deployed from each Member State within three working days from when the operational plan is agreed upon by the Executive Director and the host Member State. For that purpose, each

Executive Director and the host Member State. For that purpose, each Member State shall, on a yearly basis, ***make available to the Agency*** a number of border guards commensurate to at least 3% of the staff of Member States without land or sea external borders and 2% of the staff of Member States with land or sea external borders, and which shall amount to a minimum of 1 500 border guards, corresponding to the profiles identified by the decision of the Management Board.

Member State shall, on a yearly basis, ***earmark*** a number of border guards commensurate to at least 3% of the staff of Member States without land or sea external borders and 2% of the staff of Member States with land or sea external borders, and which shall amount to a minimum of 1 500 border guards, corresponding to the profiles identified by the decision of the Management Board.

Or. en

Amendment 241
Manolis Kefalogiannis

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

5. The rapid reserve pool shall be a standing corps placed at the immediate disposal of the Agency and which can be deployed from each Member State within three working days from when the operational plan is agreed upon by the Executive Director and the host Member State. For that purpose, each Member State shall, on a yearly basis, make available to the Agency a number of border guards ***commensurate to at least 3% of the staff of Member States without land or sea external borders and 2% of the staff of Member States with land or sea external borders, and*** which shall amount to a minimum of 1 500 border guards, corresponding to the profiles identified by the decision of the Management Board.

Amendment

5. The rapid reserve pool shall be a standing corps placed at the immediate disposal of the Agency and which can be deployed from each Member State within three working days from when the operational plan is agreed upon by the Executive Director and the host Member State. For that purpose, each Member State shall, on a yearly basis, make available to the Agency a number of border guards ***or other relevant*** staff which shall amount to a minimum of 1 500 border guards, corresponding to the profiles identified by the decision of the Management Board.

Or. en

Amendment 242
Tonino Picula

Proposal for a regulation
Article 19 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Agency shall contribute to the European Border and Coast Guard Teams with competent border guards seconded by the Member States as national experts to the Agency. The contribution by Member States as regards the secondment of their border guards to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the border guards available for secondment, unless that would seriously affect the discharge of national tasks. In such situations Member States may recall their seconded border guards.

Amendment

The Agency shall contribute to the European Border and Coast Guard Teams with competent border guards seconded by the Member States as national experts to the Agency. The contribution by Member States as regards the secondment of their border guards to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and Member States. In accordance with those agreements, Member States shall make the border guards available for secondment, unless that would seriously affect the discharge of national tasks. In such situations Member States may recall their seconded border guards. ***In order to respond to eventual shortages, the Agency may employ staff on a temporary basis in order to perform border control function in line with its mandate.***

Or. en

Amendment 243
Tonino Picula

Proposal for a regulation
Article 19 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Such secondments may be for 12 months or more but in any case it shall not be less than three months. The seconded border guards shall be considered as members of the teams and they shall have the tasks and powers of the members of the teams. The Member State having seconded the border

Amendment

The secondments may be for 12 months or more but in any case it shall not be less than three months. The seconded border guards shall be considered as members of the teams and they shall have the tasks and powers of the members of the teams. The Member State having seconded the border

guards shall be considered as the home Member State.

guards shall be considered as the home Member State.

Or. en

Amendment 244
Sofia Sakorafa

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. Members of the teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, they shall not discriminate against persons on grounds of **sex**, racial or ethnic origin, religion or belief, disability, age **or** sexual orientation.

Amendment

4. Members of the teams shall **at all times**, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any **actions and** measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, they shall not discriminate against persons on grounds of **gender**, racial or ethnic origin, religion or belief, disability, age, **gender and** sexual orientation **or nationality**.

Or. en

Amendment 245
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall withdraw the financing of a joint operation **or** a rapid border intervention, or suspend or terminate, in whole or in part, a joint

Amendment

3. The Executive Director shall withdraw the financing of a joint operation, a rapid border intervention, **a pilot project, migration management support teams,**

operation *or* rapid border intervention if he or she considers that there are violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist.

return operation, return intervention or working arrangement or suspend or terminate, in whole or in part, a joint operation, rapid border intervention, *a pilot project, migration management support teams, return operation, return intervention or working arrangement* if he or she considers that there are violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist. ***Based on recommendations by the Fundamental Rights Officer, after consultation with the Consultative Forum and other relevant actors, the Executive Director shall adopt criteria for withdrawing the financing, the suspension or the termination of an activity by the Agency. The Fundamental Rights Officer may recommend the withdrawing the financing, the suspension or the termination of an activity.***

Or. en

Amendment 246

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) coordinate at technical and operational level the return activities of the Member States, to achieve an integrated system of return management among competent authorities of the Member States, with the participation of relevant authorities of third countries and other relevant stakeholders;

Amendment

(a) coordinate at technical and operational level the return activities of the Member States, ***including voluntary returns***, to achieve an integrated system of return management among competent authorities of the Member States, with the participation of relevant authorities of third countries and other relevant stakeholders;

Or. en

Amendment 247

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 26 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) cooperate with third countries in order to facilitate the return activities of the Member States;

Or. en

Amendment 248

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 26 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) assistance on measures necessary to ensure the availability of returnees for return purposes and avoid that returnees abscond.

(d) assistance on measures *that are legitimate, proportionate and* necessary to ensure the availability of returnees for return purposes and avoid that returnees abscond *and advice on alternatives to immigration detention in line with the EU Return Directive, in line with Directive 2008/115/EC and international law.*

Or. en

Amendment 249

Javier Nart, Petras Auštrevičius, Hilde Vautmans

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. The Return Office shall aim at building synergies and connecting Union-funded

3. The Return Office shall aim at building synergies and connecting Union-funded

networks and programmes in *the field of return in* close cooperation with the European Commission and the European Migration Network.⁴³

⁴³ OJ L 131, 21.5.2008, p. 7.

networks and programmes in close cooperation with the European Commission and the European Migration Network,⁴³ *as well as with other organizations and the Member States concerned.*

⁴³ OJ L 131, 21.5.2008, p. 7.

Or. en

Amendment 250

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Agency shall not coordinate, organise or propose return operations to any third country where risks of fundamental rights violations or serious deficiencies in relevant civil and criminal laws and procedures have been identified through risk analyses, or reports from the Fundamental Rights Officer, EU agencies, human rights bodies, intergovernmental and non-governmental organisations.

Or. en

Amendment 251

Manolis Kefalogiannis

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall *at least on a*

2. Member States shall *regularly* inform

monthly basis inform the Agency of their planned national return operations, as well as of their needs for assistance or coordination by the Agency. The Agency shall draw up a rolling operational plan to provide the requesting Member States with the necessary operational reinforcement, including technical equipment. The Agency may, on its own initiative, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The Management Board shall decide, on a proposal of the Executive Director, on the modus operandi of the rolling operational plan.

the Agency of their planned national return operations, as well as of their needs for assistance or coordination by the Agency. The Agency shall draw up a rolling operational plan to provide the requesting Member States with the necessary operational reinforcement, including technical equipment. The Agency may, on its own initiative, include in the rolling operational plan the dates and destinations of return operations it considers necessary, based on a needs assessment. The Management Board shall decide, on a proposal of the Executive Director, on the modus operandi of the rolling operational plan.

Or. en

Amendment 252

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States, or propose on its own initiative, the coordination or the organisation of return operations, for which the means of transport and forced return escorts are made available by a third country of return ('collecting return operations'). The participating Member States and the Agency shall ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the entire removal operation. At least a Member State representative and a forced return monitor from the pool established under Article 28 shall be present throughout the

Amendment

deleted

entire return operation until arrival at the third country of return.

Or. en

Amendment 253

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States, or propose on its own initiative, the coordination or the organisation of return operations, for which the means of transport and forced return escorts are made available by a third country of return ('collecting return operations'). The participating Member States and the Agency shall ensure ***that the respect*** of fundamental rights and the ***proportionate*** use of means of constraints ***are guaranteed*** during the entire removal operation. At least a Member State representative and a forced return monitor from the pool established under Article 28 shall be present throughout the entire return operation until arrival at the third country of return.

Amendment

3. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States, or propose on its own initiative, the coordination or the organisation of return operations, for which the means of transport and forced return escorts are made available by a third country of return ('collecting return operations'). The participating Member States and the Agency shall ensure ***the promotion and guarantee*** of fundamental rights and the ***prohibition of*** use of ***disproportionate*** means of constraints ***by Agency, Member States, third-country of return and all other actors involved,*** during the entire removal operation. At least a Member State representative and a forced return monitor from the pool established under Article 28 shall be present throughout the entire return operation until arrival at the third country of return. ***Forced return monitors shall have a duty to report to the Agency and Fundamental Rights Officer.***

Or. en

Amendment 254

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States or a third country, or propose on its own initiative, the coordination or the organisation of return operations, during which a number of returnees subject to a third-country return decision are passed from this third country to another third country of return ('mixed return operations'), provided that the third country that issued the return decision is bound by the European Convention on Human Rights. The participating Member States and the Agency must ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.

deleted

Or. en

Amendment 255
Manolis Kefalogiannis

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States or a third country, **or propose on its own initiative**, the coordination or the organisation of return operations, during which a number of returnees subject to a third-country return decision are passed from this third

4. The Agency may provide the necessary assistance and ensure, at the request of the participating Member States or a third country, the coordination or the organisation of return operations, during which a number of returnees subject to a third-country return decision are passed from this third country to another third

country to another third country of return ('mixed return operations'), provided that the third country that issued the return decision is bound by the European Convention on Human Rights. The participating Member States and the Agency must ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.

country of return ('mixed return operations'), provided that the third country that issued the return decision is bound by the European Convention on Human Rights *and in line with the Union list of safe countries of origin established by Regulation .../... of the European Parliament and of the Council*^{1a}. The participating Member States and the Agency must ensure that the respect of fundamental rights and the proportionate use of means of constraints are guaranteed during the whole removal operation, notably with the presence of forced return monitors and of third-country forced return escorts.

^{1a} *Regulation .../... of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU.*

Or. en

Amendment 256

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. In circumstances where Member States are facing a heavy burden when implementing the obligation to return illegally staying third-country nationals in accordance with Directive 2008/115/EC, the Agency shall, upon request of one or more Member States, provide the

Amendment

deleted

appropriate technical and operational assistance in the form of a return intervention. Such intervention may consist in the deployment of European Return Intervention Teams to the host Member States and the organisation of return operations from the host Member States. Member States shall regularly inform the Agency of their needs for technical and operational assistance, and the Agency shall draw up a rolling plan for return interventions on this basis.

Or. en

Amendment 257
Geoffrey Van Orden

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall *guarantee the* protection of *fundamental* rights in the performance of its tasks under this Regulation *in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy.*

Amendment

1. The European Border and Coast Guard shall *respect* protection of *human* rights in the performance of its tasks under this Regulation.

Or. en

Amendment 258
Manolis Kefalogiannis

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy.

Amendment

1. The European Border and Coast Guard **Agency** shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy.

Or. en

Amendment 259

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a

Amendment

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union **and** relevant international law, including the **European Convention on Human Rights, the Convention Relating to the Status of Refugees and the Convention on the Rights of the Child and** obligations related to access to international protection, in particular **with regards to** the principle of

Fundamental Rights Strategy.

non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy, *including effective mechanisms to both monitor and ensure the respect for fundamental rights and rule of law in all the activities of the Agency.*

Or. en

Amendment 260
Tonino Picula

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy.

Amendment

1. The European Border and Coast Guard shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement. For that purpose, the Agency *in cooperation with European Union Agency for Fundamental Rights* shall draw up and further develop and implement a Fundamental Rights Strategy *that should be approved by the European parliament.*

Or. en

Amendment 261
Geoffrey Van Orden

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. In the performance of its tasks the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to or otherwise handed over or returned to the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.

deleted

Or. en

Amendment 262

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. In the performance of its tasks the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to or otherwise handed over or returned to the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.

2. In the performance of its tasks the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to or otherwise handed over or returned to the authorities of a country ***where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution, or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion*** in contravention of the principle of non-refoulement, or from which there is a risk of expulsion, ***removal, extradition*** or return to another country in contravention of that principle. ***For this purpose, safeguards shall be included before initiating operational cooperation***

with third countries, and in all operational plans.

Or. en

Amendment 263
Manolis Kefalogiannis

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

2. In the performance of its tasks the European Border and Coast Guard shall ensure that no person is disembarked in, forced to enter, conducted to or otherwise handed over or returned to the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.

Amendment

2. In the performance of its tasks the European Border and Coast Guard **Agency** shall ensure that no person is disembarked in, forced to enter, conducted to or otherwise handed over or returned to the authorities of a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle.

Or. en

Amendment 264
Manolis Kefalogiannis

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard shall, in the performance of its tasks, take into account the special needs of **children**, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

Amendment

3. The European Border and Coast Guard **Agency** shall, in the performance of its tasks, take into account the special needs of **minors, especially if unaccompanied**, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

Or. en

Amendment 265

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 33 – paragraph 4

Text proposed by the Commission

4. In the performance of its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the Consultative Forum and the Fundamental Rights Officer.

Amendment

4. In the performance of **all** its tasks, **including the further development and implementation of an effective mechanism to monitor the respect for fundamental rights**, in its relations with Member States and in its cooperation with third countries, the Agency shall take into account the reports of the Consultative Forum and the Fundamental Rights Officer. **The Agency shall inform the Consultative Forum and Fundamental Rights Officer how it has altered or not its activities as a response to reports and recommendations of these bodies, and include details in its annual report.**

Or. en

Amendment 266

Manolis Kefalogiannis

Proposal for a regulation

Article 33 – paragraph 4

Text proposed by the Commission

4. In the performance of its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall **take into account** the reports of the Consultative Forum and the Fundamental Rights Officer.

Amendment

4. In the performance of its tasks, in its relations with Member States and in its cooperation with third countries, the Agency shall **ensure appropriate follow up to** the reports of the Consultative Forum and the Fundamental Rights Officer.

Or. en

Amendment 267

Sofia Sakorafa

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

1. The Agency shall, in cooperation with the appropriate training entities of the Member States, develop specific training tools and provide border guards and other relevant staff who are members of the European Border and Coast Guard Teams with advanced training relevant to their tasks and powers. Experts from the staff of the Agency shall conduct regular exercises with those border guards in accordance with the advanced training and exercise schedule referred to in the annual work programme of the Agency.

Amendment

1. The Agency shall, in cooperation with the appropriate training entities of the Member States, ***the European Asylum Support Office and the European Union Agency for Fundamental Rights***, develop specific training tools and provide border ***and coast*** guards and other relevant staff who are members of the European Border and Coast Guard Teams with advanced training relevant to their tasks and powers ***and on the preconditions for action in full respect of fundamental rights***. Experts from the staff of the Agency, ***of the European Asylum Support Office and the European Union Agency for Fundamental Rights*** shall conduct regular exercises with those border ***and coast*** guards in accordance with the advanced training and exercise schedule referred to in the annual work programme of the Agency.

Or. en

Amendment 268

Tonino Picula

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

3. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks to be part of the pools referred to in Articles 28, 29 and 30. The Agency shall ensure that all

Amendment

3. The Agency shall take the necessary initiatives to ensure training for staff involved in return-related tasks to be part of the pools referred to in Articles 28, 29 and 30. The Agency shall ensure that all

staff who participate in return operations and in return interventions, as well as the staff of the Agency, have received, prior to their participation in operational activities organised by the Agency, training in relevant Union and international law, including fundamental rights **and** access to international protection.

staff who participate in return operations and in return interventions, as well as the staff of the Agency, have received, prior to their participation in operational activities organised by the Agency, training in relevant Union and international law, including fundamental rights, access to international protection, **that will also enable them identify possible human rights violations and process them accordingly.**

Or. en

Amendment 269
Sofia Sakorafa

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

6. The Agency may organise training activities in cooperation with Member States **and third countries on their territory.**

Amendment

6. The Agency may organise training activities in cooperation with Member States.

Or. en

Amendment 270
Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. The Agency shall proactively monitor **and contribute to** research and innovation activities relevant **for the control of the** external borders, **including the use of advanced surveillance technology such as remotely piloted aircraft systems, and for return. The Agency shall disseminate the results of that research to the Commission**

Amendment

1. The Agency shall proactively monitor research and innovation activities relevant **to the EU** external borders.

and the Member States. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.

Or. en

Amendment 271
Manolis Kefalogiannis

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. The Agency shall proactively monitor *and contribute to* research and innovation activities relevant for the control of the external borders, including the use of advanced surveillance technology such as remotely piloted aircraft systems, and for return. The Agency shall disseminate the results of that research to the Commission and the Member States. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.

Amendment

1. The Agency shall proactively monitor research and innovation activities relevant for the control of the **EU** external borders, including the use of advanced surveillance technology such as remotely piloted aircraft systems, and for return. The Agency shall disseminate the results of that research to the Commission and the Member States. It may use those results as appropriate in joint operations, rapid border interventions, return operations and return interventions.

Or. en

Amendment 272
Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. The Agency shall assist the Member States and the Commission in identifying key research themes. The Agency shall assist the Commission in the definition *and accomplishment* of the relevant Union framework programmes for research and innovation activities.

Amendment

2. The Agency shall assist the Member States and the Commission in identifying key research themes. The Agency shall assist the Commission in the definition of the relevant Union framework programmes for research and innovation activities.

Amendment 273

Sofia Sakorafa

Proposal for a regulation

Article 36 – paragraph 3 – introductory part

Text proposed by the Commission

3. The Agency shall, within the Framework Programme for Research and Innovation, in particular the Specific Programme Implementing Horizon 2020 **implement** the parts of the Framework Programme for Research and Innovation which relate to **border security**. For that purpose, the Agency shall **have** the following tasks:

Amendment

3. The Agency shall, within the Framework Programme for Research and Innovation, in particular the Specific Programme Implementing Horizon 2020 **monitor** the parts of the Framework Programme for Research and Innovation which relate to **the EU external borders**. For that purpose, the Agency shall **monitor** the following tasks:

Or. en

Amendment 274

Sofia Sakorafa

Proposal for a regulation

Article 36 – paragraph 3 – point a

Text proposed by the Commission

(a) **managing some stages** of programme implementation **and some phases** in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission, **where the Commission has empowered the Agency to do so in the instrument of delegation**;

Amendment

(a) **the managing** of programme implementation in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission;

Or. en

Amendment 275

Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme, where the Commission has empowered the Agency to do so in the instrument of delegation;

deleted

Or. en

Amendment 276
Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) providing support in programme implementation where the Commission has empowered the Agency to do so in the instrument of delegation.

deleted

Or. en

Amendment 277
Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

Amendment

4. The Agency may *plan and implement* pilot projects regarding matters covered by this Regulation.

4. The Agency may *provide support in planning and implementing* pilot projects regarding matters covered by this Regulation

Or. en

Amendment 278
Manolis Kefalogiannis

Proposal for a regulation
Article 37 – title

Text proposed by the Commission

Acquisition of technical equipment

Amendment

Use of technical equipment

Or. en

Amendment 279
Manolis Kefalogiannis

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. The Agency may *acquire, itself or in co-ownership with a Member State*, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, return operations, return interventions or technical assistance projects in accordance with the financial rules applicable to the Agency.

Amendment

1. The Agency may *use technical equipment provided by Member States*, or lease technical equipment to be deployed during joint operations, pilot projects, rapid border interventions, return operations, return interventions or technical assistance projects in accordance with the financial rules applicable to the Agency.

Or. en

Amendment 280
Manolis Kefalogiannis

Proposal for a regulation
Article 37 – paragraph 2

Text proposed by the Commission

2. *The Agency may acquire technical equipment, such as fingerprinting equipment, by decision of the Executive Director in consultation with the*

Amendment

deleted

Management Board. Any acquisition or leasing of equipment entailing significant costs to the Agency shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board.

Or. en

**Amendment 281
Manolis Kefalogiannis**

**Proposal for a regulation
Article 37 – paragraph 3**

Text proposed by the Commission

Amendment

3. Where the Agency acquires or leases major technical equipment, such as open sea and coastal patrol vessels, helicopters or other aircraft or vehicles the following conditions shall apply:

deleted

(a) in case of acquisition by the Agency or co-ownership, the Agency shall agree with one Member State that that Member State shall provide for the registration of the equipment in accordance with the applicable legislation of that Member State;

(b) in case of leasing, the equipment shall be registered in a Member State.

Or. en

**Amendment 282
Manolis Kefalogiannis**

**Proposal for a regulation
Article 37 – paragraph 4**

Text proposed by the Commission

Amendment

4. On the basis of a model agreement

4. On the basis of a model agreement

drawn up by the Agency, the Member State of registration and the Agency shall agree on modalities ensuring the periods of full availability of the *co-owned assets* for the Agency, as well as on the terms of use of the equipment. Technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article 38(4).

drawn up by the Agency, the Member State of registration and the Agency shall agree on modalities ensuring the periods of full availability of the *equipment* for the Agency, as well as on the terms of use of the equipment. Technical equipment owned solely by the Agency shall be made available to the Agency upon its request and the Member State of registration may not invoke the exceptional situation referred to in Article 38(4).

Or. en

Amendment 283
Manolis Kefalogiannis

Proposal for a regulation
Article 37 – paragraph 5

Text proposed by the Commission

5. The Member State of registration *or the supplier* of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner.

Amendment

5. The Member State of registration of technical equipment shall provide the necessary experts and technical crew to operate the technical equipment in a legally sound and safe manner.

Or. en

Amendment 284
Manolis Kefalogiannis

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States *or by the Agency and equipment co-owned by the Member States and the Agency* for external border control or

Amendment

1. The Agency shall set up and keep centralised records of equipment in a technical equipment pool composed of equipment owned either by the Member States for external border control or return purposes.

return purposes.

Or. en

Amendment 285
Geoffrey Van Orden

Proposal for a regulation
Article 39 – paragraph 4

Text proposed by the Commission

Amendment

4. Members of the teams shall wear their own uniform while performing their tasks and exercising their powers. They shall wear a blue armband with the insignia of the Union and the Agency on their uniforms, identifying them as participating in a joint operation, pilot project, rapid border intervention, return operation or return intervention. For the purposes of identification vis-à-vis the national authorities of the host Member State, members of the teams shall, at all times, carry an accreditation document, which they shall present upon request. **deleted**

Or. en

Amendment 286
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 39 – paragraph 6

Text proposed by the Commission

Amendment

6. While performing their tasks and exercising their powers, members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member

6. While performing their tasks and exercising their powers, members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member

State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State. The host Member State may, with the consent of the home Member State, authorise members of the teams to use force in the absence of border guards of the host Member State.

State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State, *as well as with international human rights law, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the EU Charter of Fundamental Rights*. The host Member State may, with the consent of the home Member State, authorise members of the teams to use force in the absence of border guards of the host Member State.

Or. en

Amendment 287
Sofia Sakorafa

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

1. Where members of the teams are operating in a host Member State, *that Member State* shall be liable in accordance with *its national law* for any damage caused by them during their operations.

Amendment

1. Where members of the teams are operating in a host Member State, *the Agency* shall be liable in accordance with *the general principles common to the laws of the Member States*, for any damage caused by them during their operations.

Or. en

Amendment 288
Sofia Sakorafa

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. Where such damage is caused by gross negligence or willful misconduct, the *host Member State may approach the home*

Amendment

2. Where such damage is caused by gross negligence or willful misconduct, the *Agency shall make good any damage*

Member State in order to have any sums it has paid to the victims or persons entitled on their behalf reimbursed by the home Member State.

caused in accordance with the general principles common to the laws of the Member States.

Or. en

Amendment 289
Sofia Sakorafa

Proposal for a regulation
Article 41 – paragraph 4

Text proposed by the Commission

4. Any dispute between Member States relating to the application of *paragraphs 2 and 3* which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with Article 273 TFEU.

Amendment

4. Any dispute between Member States relating to the application of *paragraph 3* which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with Article 273 TFEU.

Or. en

Amendment 290
Sofia Sakorafa

Proposal for a regulation
Article 41 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for the damage referred to in paragraph 1 and 2.

Or. en

Amendment 291
Bodil Valero
on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Agency shall develop and operate an information system capable of exchanging non-classified information with civil society organisations and initiatives conducting search and rescue operations at sea.

Or. en

Amendment 292
Sofia Sakorafa

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission

Amendment

4. Without prejudice to Article 47, the transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties of personal data processed in the framework of this Regulation shall be prohibited.

4. Without prejudice to Article 47, the transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or ***international organisations*** or third parties of personal data processed in the framework of this Regulation shall be prohibited.

Or. en

Amendment 293
Sofia Sakorafa

Proposal for a regulation
Article 44 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where, exceptionally, transfer of personal data to third countries or international

organisations, by the Agency or the Member States, is explicitly foreseen in very specific circumstances, it will require an assessment adequacy and the use of specific safeguards in accordance with Article 9 of Regulation (EC) 45/2001 and Articles 25 and 26 of Directive 95/46/EC.

Or. en

Amendment 294
Sofia Sakorafa

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

1. In performing its tasks *of organising and coordinating the* return operations *and conducting return interventions*, the Agency may *process* personal data of returnees.

Amendment

1. In performing its tasks *in assisting in* return operations, the Agency may *receive* personal data of returnees *which use should be without prejudice to Article 44 (4)*.

Or. en

Amendment 295
Sofia Sakorafa

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where the personal data of returnees are not transmitted to the carrier by a Member State, the Agency may transfer such data.

Amendment

deleted

Or. en

Amendment 296
Sofia Sakorafa

Proposal for a regulation
Article 51 – title

Text proposed by the Commission

Cooperation with Union institutions, agencies, bodies, *offices and international organisations*

Amendment

Cooperation with Union institutions, agencies, bodies *and offices*

Or. en

Amendment 297
Tonino Picula

Proposal for a regulation
Article 51 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Agency shall cooperate with the Commission, other Union institutions, the European External Action Service, Europol, the European Asylum Support Office, the European Union Agency for Fundamental Rights, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency as well as other Union, agencies, bodies, offices in matters covered by this Regulation, and in particular with the objectives of preventing and combating irregular immigration and cross-border crime including the facilitation of irregular immigration, trafficking in human being and terrorism.

Amendment

The Agency shall cooperate with *the European Parliament*, the Commission *and* other Union institutions, the European External Action Service, Europol, the European Asylum Support Office, the European Union Agency for Fundamental Rights, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency as well as other Union, agencies, bodies, offices in matters covered by this Regulation, and in particular with the objectives of preventing and combating irregular immigration and cross-border crime including the facilitation of irregular immigration, trafficking in human being and terrorism.

Or. en

Amendment 298
Sofia Sakorafa

Proposal for a regulation
Article 51 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Agency shall cooperate with the Commission, other Union institutions, the European External Action Service, Europol, the European Asylum Support Office, the European Union Agency for Fundamental Rights, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency as well as other Union, agencies, bodies, offices in matters covered by this Regulation, ***and in particular with the objectives of preventing and combating irregular immigration and cross-border crime including the facilitation of irregular immigration, trafficking in human being and terrorism.***

Amendment

The Agency shall cooperate with the Commission, other Union institutions, the European External Action Service, Europol, the European Asylum Support Office, the European Union Agency for Fundamental Rights, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency as well as other Union, agencies, bodies, offices in matters covered by this Regulation, ***ensuring the fulfilment of human rights, migration and asylum obligations and commitments under international law and always in compliance with Article 2 of the Treaty of the European Union.***

Or. en

Amendment 299
Sofia Sakorafa

Proposal for a regulation
Article 51 a (new)

Text proposed by the Commission

Amendment

Article 51 a

Cooperation with international organisations

1. The Agency may cooperate with non military international organisations competent in matters covered by this Regulation.

2. All exchange of information with international organisations should be without prejudice to Article 44 (4) and all actors should comply with existing EU legislation, including on data protection and fundamental rights. As regards the handling of classified information, international organisations shall comply

with security rules and standards equivalent to those applied by the Agency and the Member States.

3. The Agency may also, with the agreement of the Member States concerned, invite observers of international non military organisations to participate in its activities in particular, joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the rule of law, the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of those observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects the participation of observers is subject to agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers may receive the appropriate training from the Agency prior to their participation.

Or. en

Amendment 300
Sofia Sakorafa

Proposal for a regulation
Article 51 – paragraph 1 – subparagraph 2

Text proposed by the Commission

To that end, the Agency may cooperate with international organisations competent in matters covered by this Regulation.

Amendment

deleted

Or. en

Amendment 301

Sofia Sakorafa

Proposal for a regulation

Article 51 – paragraph 4

Text proposed by the Commission

4. The Union institutions, agencies, bodies, **offices and international organisations** referred to in paragraph 1, shall use information received by the Agency only within the limits of their competences and in compliance with fundamental rights, including data protection requirements. Onward transmission or other communication of personal data processed by the Agency to other Union agencies or bodies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior approval of the European Data Protection Supervisor. As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office, **agency or international organisation** concerned shall comply with security rules and standards equivalent to those applied by the Agency.

Amendment

4. The Union institutions, agencies, bodies **and offices** referred to in paragraph 1, shall use information received by the Agency only within the limits of their competences and in compliance with fundamental rights, including data protection requirements. Onward transmission or other communication of personal data processed by the Agency to other Union agencies or bodies shall be subject to specific working arrangements regarding the exchange of personal data and subject to the prior approval of the European Data Protection Supervisor. As regards the handling of classified information, those arrangements shall provide that the Union institution, body, office **or agency** concerned shall comply with security rules and standards equivalent to those applied by the Agency.

Or. en

Amendment 302

Sofia Sakorafa

Proposal for a regulation

Article 51 – paragraph 5

Text proposed by the Commission

5. The Agency may also, with the agreement of the Member States concerned, invite observers of Union institutions, agencies, bodies, **offices or international organisations** to participate

Amendment

5. The Agency may also, with the agreement of the Member States concerned, invite observers of Union institutions, agencies, bodies **or offices** to participate in its activities in particular,

in its activities in particular, joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of those observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects the participation of observers is subject to agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

joint operations and pilot projects, risk analysis and training, to the extent that their presence is in accordance with the objectives of those activities, may contribute to the improvement of cooperation and the exchange of best practices, and does not affect the overall safety and security of those activities. The participation of those observers in risk analysis and training may take place only with the agreement of the Member States concerned. As regards joint operations and pilot projects the participation of observers is subject to agreement of the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Or. en

Amendment 303
Sofia Sakorafa

Proposal for a regulation
Article 52 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level, *and where appropriate, at international level* by:

Amendment

1. The Agency shall, in cooperation with the European Fisheries Control Agency and the European Maritime Safety Agency, support national authorities carrying out coast guard functions at national and Union level by:

Or. en

Amendment 304
Sofia Sakorafa

Proposal for a regulation
Article 52 – paragraph 1 – point c

Text proposed by the Commission

(c) capacity building by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhancing the exchange of information and cooperation on coast guard functions;

Amendment

(c) capacity building by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhancing the exchange of information and cooperation on coast guard functions, ***the search and rescue operational capability and the compliance with human rights, migration and asylum obligations and commitments.***

Or. en

Amendment 305

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 52 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) conducting search and rescue operations, in close coordination with search and rescue operations conducted by member states, third countries and civil society organisations and initiatives.

Or. en

Amendment 306

Sofia Sakorafa

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

Amendment

2. The modalities of the cooperation on

2. The modalities, ***conditions and limits*** of

coast guard functions of the European Border and Coast Guard Agency with the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined *in a working arrangement, in accordance with the* financial rules applicable to the Agencies.

the cooperation on coast guard functions of the European Border and Coast Guard Agency with the European Fisheries Control Agency and the European Maritime Safety Agency shall be determined *by the Commission and submitted to the Council and the European Parliament for approval.* Financial rules applicable to the Agencies *shall apply.*

Or. en

Amendment 307
Sofia Sakorafa

Proposal for a regulation
Article 52 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Agency shall be assisted by a Coast Guard Functions Office in the management of interagency cooperation as well as in its cooperation with those national authorities of Member States which are responsible for external maritime border management.

Or. en

Amendment 308
Sofia Sakorafa

Proposal for a regulation
Article 52 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The Coast Guard Functions Office shall be responsible for carrying out its mandate, in full respect of the fundamental rights legislation and general principles of Union law as well as international law.

Amendment 309

Sofia Sakorafa

Proposal for a regulation

Article 52 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3 c. The Coast Guard Functions Office shall, in particular be responsible for assisting the Agency in the execution of its tasks involving national authorities of Member States carrying out coast guard functions, to the extent that they carry out search and rescue tasks.

Or. en

Amendment 310

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 53 – title

Text proposed by the Commission

Amendment

Cooperation with third countries

Cooperation with third countries ***and Non Governmental Organisations***

Or. en

Amendment 311

Manolis Kefalogiannis

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the external relations policy of the Union, including with regard to the protection of fundamental rights. The Agency and the Member States shall comply with norms and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those countries. The establishment of cooperation with third countries shall serve to promote European border management and return standards.

Amendment

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency, ***in agreement with the concerned Member State(s)***, shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the ***predefined operational plan, of the external relations policy of the Union and especially of the European neighborhood and development policy***, including with regard to the protection of fundamental rights. The Agency and the Member States shall comply with norms and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those countries. The establishment of cooperation with third countries shall serve to promote European border management and return standards.

Or. en

Amendment 312
Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate ***and encourage*** operational cooperation between Member States and third countries, within the framework of the external relations policy of the Union, ***including*** with regard to the protection of fundamental rights. The Agency and the Member States shall comply with norms and standards at least equivalent to those set by Union legislation also when

Amendment

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate operational cooperation between Member States and ***democratic*** third countries, within the framework of the external relations policy of the Union, ***always*** with regard to ***migration and asylum obligations and commitments and under the condition of*** the protection of fundamental rights. The Agency and the Member States shall comply with norms

cooperation with third countries takes place on the territory of those countries. ***The establishment of cooperation with third countries shall serve to promote European border management and return standards.***

and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those countries.

Or. en

Amendment 313

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate ***and encourage*** operational cooperation between Member States and third countries, within the framework of the external relations policy of the Union, including with regard to the protection of fundamental rights. The Agency and the Member States shall comply with norms and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those countries. The establishment of cooperation with third countries shall serve to promote European border management and return standards.

Amendment

1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate operational cooperation between Member States and third countries, within the framework of the external relations policy of the Union, including with regard to the protection of fundamental rights ***and the Convention Relating to the Status of Refugees and the 1967 Protocol thereto.*** The Agency and the Member States shall comply with norms and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those countries. The establishment of cooperation with third countries shall serve to promote European border management and return standards, ***especially with regards to respect for fundamental rights and human dignity. An engagement of the Agency in any operational cooperation with a third country shall require a prior assessment, drawing on a broad range of sources, to identify if there are risks of fundamental rights violations or deficiencies in relevant civil and criminal laws and procedures that would make the cooperation incompatible with legal***

obligations, in particular to ensure protection from refoulement and the right to an effective remedy.

Or. en

Amendment 314

Sofia Sakorafa

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it *shall* have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the *agreement of that neighbouring third country, including* on the territory of *that third country*. The Commission shall be informed of such activities.

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency, may coordinate operational cooperation between Member States and third countries in the field of management of *EU* external borders, *in the spirit of search and rescue operations where necessary*, and it *may* have the possibility of carrying out joint operations at the *EU* external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the *operational plan agreed by the host Member State bordering the operational area. The participation of Member States in joint operations* on the territory of *third countries, shall be on voluntary basis*. The Commission *and the European Parliament* shall be informed of such activities.

Or. en

Amendment 315

Paavo Väyrynen

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission shall be informed of such activities.

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. ***The participation of Member States in joint operations on the territory of third countries should be on voluntary basis.*** The Commission shall be informed of such activities.

Or. en

Amendment 316
Arnaud Danjean

Proposal for a regulation
Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission shall be informed of such activities.

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. ***Operations shall be carried out on the basis of an operational plan agreed also***

by the Member State bordering the operational area. The participation of Member States in joint operations on the territory of third countries, shall be on voluntary basis. The Commission shall be informed of such activities.

Or. en

Amendment 317
Manolis Kefalogiannis

Proposal for a regulation
Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out *joint operations* at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission shall be informed of such activities.

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency may, *in agreement with the concerned Member State(s)*, coordinate operational cooperation between Member States and third countries in the field of management of *the EU* external borders, and it shall have the possibility of carrying out *activities* at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission, *the EEAS, Eurojust and Europol* shall be informed of such activities.

Or. en

Amendment 318
Tonino Picula

Proposal for a regulation
Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission shall be informed of such activities.

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission, *the EEAS, European Parliament, Eurojust and Europol* shall be informed of such activities.

Or. en

Amendment 319

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a third country **neighbouring** at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. **The Commission shall be informed of such activities.**

Amendment

3. In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and **neighbouring** third countries in the field of management of external borders, and it shall have the possibility of carrying out joint operations at the external borders involving one or more Member States and a **neighbouring** third country **which shares a land border to** at least one of those Member States **and which ratified and implemented in full the European Convention on Human Rights and the 1951 Convention Relating to the Status of**

Refugees and the 1967 Protocol thereto, subject to the agreement of that neighbouring third country, including on the territory of that third country. During such operation, no person shall, in contravention of the principle of non-refoulement, be conducted to or otherwise handed over to the authorities of a third country where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Or. en

Amendment 320

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. A Status Agreement shall be concluded by the EU with the third country for the deployment of the members of the teams in joint operations where members of the team will conduct executive powers, or in other actions when necessary. This agreement shall cover all aspects that are necessary for carrying out the actions, in particular the description of the scope of the operation, civil and criminal liability, tasks and powers of the members of the teams. The agreement shall ensure the full respect of

fundamental rights during the operations.

Or. en

Amendment 321

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 53 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The Commission, shall draw up a model Status Agreement for actions on the territory of third countries.

Or. en

Amendment 322

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 53 – paragraph 4

Text proposed by the Commission

Amendment

4. The Agency shall cooperate with the competent authorities of third countries on return, ***including on the acquisition of travel documents.***

4. The Agency shall cooperate with the competent authorities of third countries on return.

Or. en

Amendment 323

Sofia Sakorafa

Proposal for a regulation

Article 53 – paragraph 4

Text proposed by the Commission

4. The Agency shall cooperate with the competent authorities of third countries on *return, including* on the *acquisition of travel documents*.

Amendment

4. The Agency shall cooperate with the competent authorities of third countries on *search and rescue operations, subject the agreement of the concerned third country and under the provisions of the UNCLOS and the guidelines issued by the International Maritime Organisation and the UN Refugee Agency (UNHCR) on the treatment of people rescued at sea* .

Or. en

Amendment 324
Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 5

Text proposed by the Commission

5. The Agency may also, with the agreement of the Member States concerned invite observers from third countries to participate in its activities *at the external borders referred to in Article 13, return operations referred to in Article 27, return interventions referred to in Article 32 and training referred to in Article 35*, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities. The participation of those observers may take place only with the agreement of the Member States concerned *regarding the activities referred to in Articles 13, 27 and 35 and only with the agreement of* the host Member State *regarding those referred to in Article 13 and 32*. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the

Amendment

5. The Agency may also, with the agreement of the Member States concerned invite *non military democratic* third countries to participate in its activities, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities. The participation of those observers may take place only with the agreement of the Member States concerned *and* the host Member State. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Agency prior to their participation.

Or. en

Amendment 325
Manolis Kefalogiannis

Proposal for a regulation
Article 53 – paragraph 5

Text proposed by the Commission

5. The Agency may also, with the agreement of the Member States concerned invite **observers from** third countries to participate in its activities at the external borders referred to in Article 13, return operations referred to in Article 27, return interventions referred to in Article 32 and training referred to in Article 35, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 13, 27 and 35 and only with the agreement of the host Member State regarding those referred to in Article 13 and 32. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Amendment

5. The Agency may also, with the agreement of the Member States concerned invite third countries to participate in its activities at the external borders referred to in Article 13, **including in an observer capacity**, return operations referred to in Article 27, return interventions referred to in Article 32 and training referred to in Article 35, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 13, 27 and 35 and only with the agreement of the host Member State regarding those referred to in Article 13 and 32. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Or. en

Amendment 326
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 53 – paragraph 5

Text proposed by the Commission

5. The Agency may also, with the agreement of the Member States concerned invite observers from third countries to participate in its activities at the external borders referred to in Article 13, return operations referred to in Article 27, return interventions referred to in Article 32 and training referred to in Article 35, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 13, 27 and 35 and only with the agreement of the host Member State regarding those referred to in Article 13 and 32. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Amendment

5. The Agency may also, with the agreement of the Member States concerned invite observers from third countries to participate in its activities at the external borders referred to in Article 13, return operations referred to in Article 27, return interventions referred to in Article 32 and training referred to in Article 35, to the extent that their presence is in accordance with the objectives of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety of those activities ***or the security of the persons to be returned***. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in Articles 13, 27 and 35 and only with the agreement of the host Member State regarding those referred to in Article 13 and 32. Detailed rules on the participation of observers shall be included in the operational plan. Those observers shall receive the appropriate training from the Agency prior to their participation.

Or. en

Amendment 327
Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 6

Text proposed by the Commission

6. The Agency shall participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union,

Amendment

deleted

and regarding matters covered by this Regulation.

Or. en

Amendment 328
Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 7

Text proposed by the Commission

7. The Agency may benefit from Union funding in accordance *with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation.*

Amendment

7. The Agency may benefit from Union funding in accordance *to its competences. The Agency shall be subject to the same provisions on financial rules, economic transparency and scrutiny, including by the European Parliament, as all other Agencies and bodies of the Union.*

Or. en

Amendment 329
Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 8

Text proposed by the Commission

8. When concluding bilateral agreements with third countries Member States may, in agreement with the Agency, include provisions concerning the role and competence of the Agency in accordance with this Regulation, in particular regarding the exercise of executive powers by members of the European Border and Coast Guard Teams deployed by the Agency during the joint operations, pilot projects, rapid border interventions, return operations or return interventions. The Member States shall notify the

Amendment

deleted

Commission of any such provisions.

Or. en

Amendment 330

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 53 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. Before any agreement referred to in this article is concluded, the Commission shall verify that its provisions comply with this Regulation as well as with the relevant Union and international law on fundamental rights and on international protection, including the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, the Convention Relating to the Status of Refugees and the Convention on the Rights of the Child, in particular the principle of non-refoulement and the right to an effective remedy, and with the provisions on information exchange and data protection in this regulation. The assessment shall be based on information derived from a broad range of sources, which include Member States, Union bodies, offices and agencies, relevant international organisations and NGOs. The Commission shall forward its assessment to the European Parliament and the Council.

Or. en

Amendment 331

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 53 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. The Agency shall cooperate with non governmental organisations, in particular civil society organisations and initiatives conducting search and rescue operations at sea.

Or. en

Amendment 332

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 53 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8 b. The Agency shall cooperate with non governmental organisations, in particular civil society organisations and initiatives conducting search and rescue operations at sea;

Or. en

Amendment 333

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation
Article 53 – paragraph 9

Text proposed by the Commission

Amendment

9. The Agency shall ***inform*** the European Parliament of the ***activities referred to in paragraphs 2 and 3.***

9. The Agency shall ***publish its agreements and working arrangements with third countries on its website. The***

Agency shall report to the European Parliament at least every three months on its cooperation with third countries. A detailed assessment of the cooperation with third countries, including detailed information on compliance with fundamental rights and international protection, shall be included into the annual report of the Agency.

Or. en

Amendment 334

Tonino Picula

Proposal for a regulation

Article 53 – paragraph 9

Text proposed by the Commission

9. The Agency shall inform the European Parliament of the activities referred to in *paragraphs 2 and 3*.

Amendment

9. The Agency shall inform the European Parliament *timely and thoroughly* of the activities referred to in *this article*.

Or. en

Amendment 335

Manolis Kefalogiannis

Proposal for a regulation

Article 53 – paragraph 9

Text proposed by the Commission

9. The Agency shall inform the European Parliament of the activities referred to in paragraphs *2 and 3*.

Amendment

9. The Agency shall inform the European Parliament of the activities referred to in paragraphs *1 to 5*.

Or. en

Amendment 336

Sofia Sakorafa

Proposal for a regulation
Article 53 – paragraph 9

Text proposed by the Commission

9. The Agency shall inform the European Parliament of the *activities referred to in paragraphs 2 and 3*.

Amendment

9. The Agency shall inform the European Parliament of the *above mentioned activities*.

Or. en

Amendment 337
Sofia Sakorafa

Proposal for a regulation
Article 54

Text proposed by the Commission

Article 54

Liaison officers in third countries

1. The Agency may deploy experts of its own staff as liaison officers, who should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Council Regulation (EC) No 377/2004.⁴⁹

2. Within the framework of the external relations policy of the Union, priority for deployment of liaison officers shall be given to those third countries which, on the basis of risk analysis, constitute a country of origin or transit regarding irregular immigration. On a reciprocal basis the Agency may receive liaison officers posted by those third countries. The Management Board shall adopt, on a proposal of the Executive Director the list of priorities on a yearly basis. The deployment of liaison officers shall be

Amendment

deleted

approved by the Management Board.

3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and in accordance with fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against irregular immigration and the return of illegally staying third-country nationals. Those liaison officers shall coordinate closely with Union delegations.

4. The decision to deploy liaison officers to third countries shall be subject to receiving a prior opinion of the Commission, and the European Parliament shall be fully informed of those activities as soon as possible.

⁴⁹ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

Or. en

Amendment 338

Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean, Eduard Kukan

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. The Agency may deploy experts of its own staff as liaison officers, who should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, *including* the network set up pursuant to Council Regulation (EC) No

Amendment

1. The Agency may deploy experts of its own staff as liaison officers, who should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States. ***The Agency shall coordinate and ensure the proper functioning of the***

377/2004.⁴⁹

network set up pursuant to Council Regulation (EC) No 377/2004.⁴⁹

⁴⁹ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

⁴⁹ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

Or. en

Amendment 339 **Manolis Kefalogiannis**

Proposal for a regulation **Article 54 – paragraph 1**

Text proposed by the Commission

1. The Agency may deploy experts *of its own staff* as liaison officers, who should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Council Regulation (EC) No 377/2004.⁴⁹

⁴⁹ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

Amendment

1. The Agency may deploy experts as liaison officers, who should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of immigration liaison officers and security experts of the Union and of the Member States, including the network set up pursuant to Council Regulation (EC) No 377/2004.⁴⁹

⁴⁹ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

Or. en

Amendment 340 **Jaromír Štětina, Cristian Dan Preda, Arnaud Danjean**

Proposal for a regulation **Article 54 – paragraph 3**

Text proposed by the Commission

3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and in accordance with fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against irregular immigration and the return of illegally staying third-country nationals. Those liaison officers shall coordinate closely *with* Union delegations.

Amendment

3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and in accordance with fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against irregular immigration and the return of illegally staying third-country nationals. Those liaison officers shall coordinate closely *and form part of* Union delegations.

Or. en

Amendment 341

Sofia Sakorafa

Proposal for a regulation

Article 61 – paragraph 1 – point a

Text proposed by the Commission

(a) appoint the Executive Director on a proposal from the Commission in accordance with Article 68;

Amendment

(a) appoint the Executive Director on a proposal from the Commission in accordance with Article 68 *and after approval of the European Parliament;*

Or. en

Justification

The Management Board of the Agency should include two members of the European Parliament in an effort of democratic accountability, on the spirit of the instructions for the structure and governance of Agencies included in the Common Approach of the Commission, the Council and the European Parliament, and taking into account the importance and amplitude of the Agency's tasks.

Amendment 342

Sofia Sakorafa

Proposal for a regulation
Article 61 – paragraph 6

Text proposed by the Commission

6. The Management Board may establish a small-sized Executive Board composed of the Chairperson of the Management Board, one representative of the Commission and three members of the Management Board, to assist it and the Executive Director with regard to the preparation of the decisions, programmes and activities to be adopted by the Management Board and when necessary, because of urgency, to **take** certain provisional decisions **on behalf of** the Management Board.

Amendment

6. The Management Board may establish a small-sized Executive Board composed of the Chairperson of the Management Board, one representative of the Commission, **the representative of the European Parliament** and three members of the Management Board, to assist it and the Executive Director with regard to the preparation of the decisions, programmes and activities to be adopted by the Management Board and when necessary, because of urgency, to **propose** certain provisional decisions **Management Board has to take, excluding decisions on which a reinforced majority is needed in** the Management Board.

Or. en

Amendment 343
Geoffrey Van Orden

Proposal for a regulation
Article 61 – paragraph 6

Text proposed by the Commission

6. The Management Board may establish a small-sized Executive Board composed of the Chairperson of the Management Board, one representative of the Commission and three members of the Management Board, to assist it and the Executive Director with regard to the preparation of the decisions, programmes and activities to be adopted by the Management Board and when necessary, because of urgency, to take certain provisional decisions on behalf of the Management Board.

Amendment

6. The Management Board may establish a small-sized Executive Board composed of the Chairperson of the Management Board, one representative of the Commission and three members of the Management Board **as well as a representative of the Member State requiring assistance**, to assist it and the Executive Director with regard to the preparation of the decisions, programmes and activities to be adopted by the Management Board and when necessary, because of urgency, to take certain provisional decisions on behalf of the Management Board.

Amendment 344

Sofia Sakorafa

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

1. Without prejudice to paragraph 3, the Management Board shall be composed of one representative of each Member State **and** two representatives of the Commission, all with voting rights. To this effect, each Member State shall appoint a member of the Management Board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.

Amendment

1. Without prejudice to paragraph 3, the Management Board shall be composed of one representative of each Member State, two representatives of the Commission **and two of the European Parliament**, all with voting rights. To this effect, each Member State shall appoint a member of the Management Board as well as an alternate who will represent the member in his or her absence. The Commission shall appoint two members and their alternates. **The European Parliament shall elect two of its Members, at least one being a Member of its Civil Liberties, Justice and Home Affairs Committee.** The duration of the terms of office shall be four years. The terms of office shall be extendable.

Or. en

Amendment 345

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 67 – paragraph 3 – point k

Text proposed by the Commission

(k) to ensure the implementation of the Commission decision referred to in Article 18;

Amendment

deleted

Or. en

Amendment 346
Geoffrey Van Orden

Proposal for a regulation
Article 68 – paragraph 1

Text proposed by the Commission

1. The **Commission** shall propose candidates for the post of the Executive Director and the Deputy Executive Director based on a list following publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate.

Amendment

1. The **Council** shall propose candidates for the post of the Executive Director and the Deputy Executive Director based on a list following publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate.

Or. en

Amendment 347
Philippe Juvin

Proposal for a regulation
Article 68 – paragraph 1

Text proposed by the Commission

1. The Commission shall propose candidates for the post of the Executive Director and the Deputy Executive Director based on a list following publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate.

Amendment

1. The Commission, ***after consulting the European Parliament***, shall propose candidates for the post of the Executive Director and the Deputy Executive Director based on a list following publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate.

Or. en

Amendment 348
Sofia Sakorafa

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Executive Director shall be appointed by the Management Board on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.

Amendment

The Executive Director shall be appointed by the Management Board, ***after approval by the European Parliament***, on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.

Or. en

Amendment 349
Philippe Juvin

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Executive Director shall be appointed by ***the Management Board*** on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return. ***The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.***

Amendment

The Executive Director shall be appointed by ***a common accord of the Head of State or government of the Member State of the Schengen area*** on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return.

Or. en

Amendment 350
Manolis Kefalogiannis

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Executive Director shall be appointed by the Management Board on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.

Prior to his/her appointment by the Management Board on the grounds of merit and documented high-level administrative and management skills, as well as senior professional experience in the field of management of the external borders and return, ***the Executive Director shall be heard by the appropriate bodies of the European Parliament.*** The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.

Or. en

Amendment 351
Philippe Juvin

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Power to dismiss the Executive Director shall lie with the Management Board, acting on a proposal from the Commission, according to the same procedure.

deleted

Or. en

Amendment 352
Bodil Valero
on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 69 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) on the measures needed to be taken for

deleted

the practical execution of the Commission decision related to a situation requiring urgent action at the external borders, including the technical equipment and staff needed to meet the objectives of that decision in accordance with Article 18(3).

Or. en

Amendment 353

Sofia Sakorafa

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

2. The Fundamental Rights Officer shall be independent in the performance of his or her duties as a Fundamental Rights Officer, he or she shall report directly to the Management Board and cooperate with the Consultative Forum. The Fundamental Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

Amendment

2. The Fundamental Rights Officer shall be **fully** independent in the performance of his or her duties as a Fundamental Rights Officer, he or she shall report directly to the Management Board **and the European Parliament** and cooperate with the Consultative Forum. The Fundamental Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

Or. en

Amendment 354

Manolis Kefalogiannis

Proposal for a regulation

Article 71 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Fundamental Rights Officer shall hold regular exchange of views with the competent bodies of the European Parliament and report on complaints and their follow-up.

Amendment 355

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 71 – paragraph 3

Text proposed by the Commission

3. The Fundamental Rights Officer shall be consulted on the operational plans drawn up in accordance with Articles 15, 16 and 32(4) and shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency.

Amendment

3. The Fundamental Rights Officer shall be consulted, *inter alia*, on the operational plans drawn up in accordance with Articles 15, 16, **27** and 32(4), *on the operations of the Agency in the context of Migration Management Support Teams, on vulnerability assessments, Codes of Conduct and training curricula* and shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency, *including by carrying out on spot visits to any joint operation, rapid border intervention, pilot project, migration management support teams, return operation or return intervention, including in third countries. The Fundamental Rights Officer shall be responsible for establishing, further developing and implementing the Complaint Mechanism.*

Amendment 356

Sofia Sakorafa

Proposal for a regulation

Article 71 – paragraph 3

Text proposed by the Commission

3. The Fundamental Rights Officer shall be

Amendment

3. The Fundamental Rights Officer shall be

consulted on the operational plans drawn up in accordance with Articles 15, 16 and 32(4) and shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency.

consulted on the operational plans drawn up in accordance with Articles 15, 16, **18, 27** and 32(4),), **on the operations of the Agency in the context of Migration Management Support Teams, on vulnerability assessments, Codes of Conduct and training curricula** and shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency.

Or. en

Amendment 357
Sofia Sakorafa

Proposal for a regulation
Article 72 – paragraph 1

Text proposed by the Commission

1. The Agency, in cooperation with the Fundamental Rights Officer, shall take the necessary measures to set up a complaint mechanism in accordance with this Article to monitor and ensure **the** respect **for** fundamental rights in all the activities of the Agency.

Amendment

1. The Agency, in cooperation with the Fundamental Rights Officer, shall take the necessary measures to set up a **full, independent, effective and accessible individual** complaint mechanism in accordance with this Article to monitor and ensure **full** respect, **protection and fulfillment of** fundamental rights in all the activities of the Agency.

Or. en

Amendment 358
Sofia Sakorafa

Proposal for a regulation
Article 72 – paragraph 2

Text proposed by the Commission

2. Any person who is directly affected by the actions of staff involved in a joint operation, pilot project, rapid border intervention, return operation or return

Amendment

2. Any person who is directly affected by the actions of staff involved in a joint operation, pilot project, rapid border intervention, **migration management**

intervention, and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any third parties intervening on behalf of such a person, may submit a complaint, in writing, to the Agency.

support teams, return operation or return intervention, and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any third parties intervening on behalf of such a person, may submit a complaint, in writing, to the Agency.

Or. en

Amendment 359

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible. Complaints which are *anonymous*, malicious, frivolous, vexatious, hypothetical or inaccurate shall be excluded from the complaint mechanism.

Amendment

3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible. Complaints which are malicious, frivolous, vexatious, hypothetical or inaccurate shall be excluded from the complaint mechanism.

Anonymous complaints shall be admissible if they are submitted by third parties acting in good faith in the interest of a complainant.

Or. en

Amendment 360

Manolis Kefalogiannis

Proposal for a regulation

Article 72 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The Executive Director shall report to the Fundamental Rights Officer as to

the findings and follow-up given by the Agency to a complaint

Or. en

Amendment 361
Manolis Kefalogiannis

Proposal for a regulation
Article 72 – paragraph 7

Text proposed by the Commission

7. The Fundamental Rights Officer shall **report to** the Executive Director and to the Management Board **as to the findings and follow-up given** to complaints by the Agency and the Member States.

Amendment

7. The Fundamental Rights Officer shall **inform** the Executive Director and to the Management Board **of the findings regarding the complaints deemed eligible. The Executive Director and the Management Board shall then report on the follow-up** to complaints by the Agency and the Member States.

Or. en

Amendment 362
Sofia Sakorafa

Proposal for a regulation
Article 72 – paragraph 7 a (new)

Text proposed by the Commission

7 a. A report on received complaints, the types of fundamental rights violations, the activities of the Agency concerned, the Member State or third country concerned and the follow-up shall be included into the annual activity report of the Agency.

Or. en

Amendment 363
Bodil Valero

on behalf of the Verts/ALE Group
Arne Lietz

Proposal for a regulation
Article 72 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The Agency shall ensure that the standardized complaint form is available in **most common languages and that it shall be made available** on the Agency's website and in hardcopy during all activities of the Agency. Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Amendment

The Agency shall ensure that **people are informed about the possibility and procedure to make complaint, that** the standardized complaint form is available in **languages that asylum seekers and migrants understand or may be reasonably supposed to understand** on the Agency's website and in hardcopy during all activities of the Agency. Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form. **Further guidance and assistance on the complaints procedure is provided to alleged victims and on request. Information tailored to children shall be provided to facilitate their access to the complaints mechanism.**

Or. en

Amendment 364
Manolis Kefalogiannis

Proposal for a regulation
Article 72 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The Agency shall ensure that the standardized complaint form is available in most **common** languages and that it shall be made available on the Agency's website and in hardcopy during all activities of the Agency. Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Amendment

The Agency shall ensure that the standardized complaint form is available in most **EU** languages **as well as in Arabic and in any other languages most commonly used** and that it shall be made available on the Agency's website and in hardcopy during all activities of the Agency. Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized

complaint form.

Or. en

Amendment 365

Bodil Valero

on behalf of the Verts/ALE Group

Arne Lietz

Proposal for a regulation

Article 74 a (new)

Text proposed by the Commission

Amendment

Article 74 a

Reports and information to the European Parliament

1. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, including on the implementation and monitoring of the Fundamental Rights Strategy, the consolidated annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming. The Executive Director shall report to the European Parliament and answer any questions put by its members, whenever so requested.

2. In addition to information referred to in paragraph 1 the report shall also include any relevant information requested by the European Parliament on an ad-hoc basis.

Or. en

Amendment 366

Tonino Picula

Proposal for a regulation

Article 80 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By **three years** from the date of entry into force of this Regulation, and every **three** years thereafter, the Commission shall carry out an evaluation to assess particularly the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Amendment

By **one year** from the date of entry into force of this Regulation, and every **two** years thereafter, the Commission shall carry out an evaluation to assess particularly the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Or. en

Amendment 367
Manolis Kefalogiannis

Proposal for a regulation
Article 80 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By three years from the date of entry into force of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation to assess particularly the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Amendment

By three years from the date of entry into force of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation to assess particularly the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify this **regulation**, **the** mandate of the Agency, and the financial implications of any such modification.

Or. en

Amendment 368
Javier Nart, Petras Auštrevičius, Hilde Vautmans

Proposal for a regulation
Article 80 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The first evaluation following the entry into force of this Regulation shall analyse the need for giving the Agency access to the relevant European databases.

Or. en

Amendment 369
Manolis Kefalogiannis

Proposal for a regulation
Article 80 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was complied with in the application of this Regulation.

The evaluation shall include a specific analysis on the way the Charter of Fundamental Rights was complied with in the application of this Regulation ***as well as of cases of complaints and their handling.***

Or. en

Amendment 370
Manolis Kefalogiannis

Proposal for a regulation
Article 80 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Executive Director shall hold regular exchanges of views with the appropriate bodies of the European Parliament, notably regarding specific cooperation with third countries, and shall present the annual report of the Agency.

Amendment 371

Tonino Picula

Proposal for a regulation

Article 80 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Executive Director shall hold regular exchanges of views with the appropriate bodies of the European Parliament, notably regarding specific cooperation with third countries and international organizations, and shall present the annual report of the Agency.

Or. en

Amendment 372

Tonino Picula

Proposal for a regulation

Article 80 – paragraph 3

Text proposed by the Commission

Amendment

3. On the occasion of every ***second*** evaluation, the Commission shall assess the results achieved by the Agency having regard to its objectives, mandate and tasks.

3. On the occasion of every evaluation, the Commission shall assess the results achieved by the Agency having regard to its objectives, mandate and tasks.

Or. en