



2015/0310(COD)

21.4.2016

AMENDMENTS

904 - 1175

Draft report

Artis Pabriks,

(PE578.803v01-00)

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC

Proposal for a regulation

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

Amendment 904
Ska Keller

Proposal for a regulation
Article 46 – title

Text proposed by the Commission

Processing of personal data collected during joint operations, pilot projects and rapid border interventions and by migration management support teams

Amendment

Processing of personal data collected during joint operations, pilot projects and rapid border interventions and by migration management support teams ***for migration management purposes***

Or. en

Amendment 905
Péter Niedermüller, Tanja Fajon, Josef Weidenholzer

Proposal for a regulation
Article 46 – paragraph 1 – introductory part

Text proposed by the Commission

1. The use by the Agency of personal data collected and transmitted to it by the Member States or by its own staff in the context of joint operations, pilot projects and rapid border interventions, and by migration management support ***teamsshall*** be limited to:

Amendment

1. The use by the Agency of personal data collected and transmitted to it by the Member States or by its own staff in the context of joint operations, pilot projects and rapid border interventions, and by migration management support ***teams shall*** be limited to:

Or. en

Amendment 906
Helga Stevens, Monica Macovei, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

Proposal for a regulation
Article 46 – paragraph 1 – introductory part

Text proposed by the Commission

1. The use by the Agency of personal data

Amendment

1. ***Calls on Member States to ensure the***

collected and transmitted to it by the Member States or by its own staff in the context of joint operations, pilot projects and rapid border interventions, and by migration management support *teams shall be limited to:*

regular and accurate update of EU databases including the Schengen Information System and the European Criminal Records Information System, so that all available information can be utilised by the FRONTEX agency in order to ensure the security of the EU's external border and the good functioning of the Schengen area.

The use by the Agency of personal data collected and transmitted to it by the Member States or by its own staff in the context of joint operations, pilot projects and rapid border interventions, and by migration management support *teams shall include:*

Or. en

Amendment 907

Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 1 – point a

Text proposed by the Commission

(a) personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in ***cross-border criminal activities, including in facilitating irregular immigration activities***, in trafficking in human beings or terrorism;

Amendment

(a) personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in ***the criminal smuggling of persons***, in trafficking in human beings or ***in*** terrorism;

Or. en

Amendment 908

Ska Keller

Proposal for a regulation

Article 46 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in cross-border criminal activities, including in *facilitating irregular immigration activities*, in trafficking in human beings *or terrorism*;

(a) personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in cross-border criminal activities, including in *migrant smuggling or* in trafficking in human beings;

Or. en

Amendment 909

Ska Keller

Proposal for a regulation

Article 46 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) personal data regarding persons who cross the external borders *illegally* and whose data is collected by the European Border and Coast Guard Teams, including when acting in the framework of the migration management support teams;

(b) personal data regarding persons who cross the external borders *irregularly* and whose data is collected by the European Border and Coast Guard Teams, including when acting in the framework of the migration management support teams;

Or. en

Amendment 910

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 46 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) personal data regarding persons who cross the external borders *illegally* and whose data is collected by the European Border and Coast Guard Teams, including when acting in the framework of the migration management support teams;

(b) personal data regarding persons who cross the external borders *irregularly* and whose data is collected by the European Border and Coast Guard Teams, including when acting in the framework of the migration management support teams;

Amendment 911

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation

Article 46 – paragraph 1 – point c

Text proposed by the Commission

(c) license plate numbers, telephone numbers or ship identification numbers, which are necessary for investigating and analysing routes and methods used for irregular *immigration* and cross-border criminal activities.

Amendment

(c) license plate numbers, telephone numbers or ship identification numbers, which are necessary for investigating and analysing routes and methods used for irregular *migration* and cross-border criminal activities.

Or. en

Amendment 912

Ska Keller

Proposal for a regulation

Article 46 – paragraph 1 – point c

Text proposed by the Commission

(c) license plate numbers, telephone numbers or ship identification numbers, which are necessary for investigating and analysing routes and methods used for irregular immigration and cross-border criminal activities.

Amendment

(c) license plate numbers, telephone numbers or ship identification numbers, which are *linked to the persons referred to in (a) and (b), and which are* necessary for investigating and analysing routes and methods used for irregular immigration and cross-border criminal activities.

Or. en

Amendment 913

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 46 – paragraph 2 – point a

Text proposed by the Commission

(a) where *transmission*to the European Asylum Support Office, Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 51;

Amendment

(a) where *transmission to* the European Asylum Support Office, Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 51;

Or. en

Amendment 914
Ska Keller

Proposal for a regulation
Article 46 – paragraph 2 – point a

Text proposed by the Commission

(a) where transmissionto the European Asylum Support Office, ***Europol or Eurojust*** is necessary for use in accordance with ***their*** respective ***mandates*** and in accordance with Article 51;

Amendment

(a) where transmissionto the European Asylum Support Office is necessary for use in accordance with ***its*** respective ***mandate*** and in accordance with Article 51;

Or. en

Amendment 915
Ska Keller

Proposal for a regulation
Article 46 – paragraph 2 – point b

Text proposed by the Commission

(b) where transmission to the authorities of the relevant Member States which are responsible for border control, migration, ***asylum or law enforcement*** is necessary for use in accordance with national legislation and national and EU data protection rules;

Amendment

(b) where transmission to the authorities of the relevant Member States which are responsible for border control, migration ***or asylum*** is necessary for use in accordance with national legislation and national and EU data protection rules;

Or. en

Amendment 916

Ska Keller

Proposal for a regulation

Article 46 – paragraph 3

Text proposed by the Commission

3. The personal data shall be deleted as soon as they have been transmitted to the European Asylum Support Office, *Europol* or *Eurojust* or to the competent authorities of Member States or used for the preparation of risk analyses. The term of storage shall in any event not exceed three months after the date of the collection of those data. In the result of the risk analyses, data shall be anonymised.

Amendment

3. The personal data shall be deleted as soon as they have been transmitted to the European Asylum Support Office or to the competent authorities of Member States or used for the preparation of risk analyses. The term of storage shall in any event not exceed three months after the date of the collection of those data. In the result of the risk analyses, data shall be anonymised.

Or. en

Amendment 917

Ska Keller

Proposal for a regulation

Article 46 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Personal data referred to in paragraph 1 shall be clearly distinguished by the Agency in different categories of data subjects, including, but not limited to:

(a) persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in cross-border criminal activities, including in facilitating irregular immigration activities, in trafficking in human beings or terrorism;

(b) persons convicted of a criminal offence;

(c) persons who cross the external borders

irregularly;

(d) victims of trafficking in human beings or persons with regard to whom certain facts give rise to reasons for believing that he or she could be the victim of trafficking in human beings; and

(e) other parties, such as persons who might be called on to testify in investigations, persons who can provide information on criminal offences, or contacts or associates.

The Agency shall ensure that categories of data subjects who are not suspected or convicted, such as victims and other parties, benefit from stricter data protection rules.

Or. en

Amendment 918
Ska Keller

Proposal for a regulation
Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46a

Processing of personal data collected during joint operations, pilot projects and rapid border interventions and by migration management support teams for internal security purposes

1. Any processing, collection, storage or use by the Agency of personal data collected and transmitted to it by the Member States or by its own staff in the context of joint operations, pilot projects and rapid border interventions, and by migration management support teams for the purposes of ensuring a high level of internal security within the Union shall be limited to what is strictly necessary and proportionate, and shall be limited to personal data regarding persons who are

suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in cross-border serious crime or terrorism.

2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:

(a) where transmission to Europol or Eurojust is necessary for use in accordance with their respective mandates and in accordance with Article 51;

(b) where transmission to the authorities of the relevant Member States which are responsible for law enforcement is necessary and proportionate for use in accordance with national legislation and national and EU data protection rules.

3. Any personal data shall be deleted 45 days after the date of collection.

4. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary, subject to appropriate safeguards for the rights and freedoms of the data subject, and only to protect the vital interests of the data subject or of another natural person.

Or. en

Amendment 919
Ska Keller

Proposal for a regulation
Article 46 b (new)

Text proposed by the Commission

Amendment

Article 46b

Transparency and information provided to data subjects

- 1. Data subjects whose personal data is collected by the Agency or the Member States shall be informed of the processing of personal data concerning them, the purpose(s) of the processing and the specific rights that they are entitled to as data subjects. The Agency and the Member States shall ensure that data subjects are properly informed in a form that they can reasonably understand.***
- 2. This information should be conveyed in an age-appropriate manner when the person concerned is a minor, using clear and simple language, in a language that he or she can understand, and avoiding legal terminology that he or she might not be familiar with.***
- 3. This Article is without prejudice to the obligations under Regulation (EC) No 45/2001.***

Or. en

Amendment 920

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 47 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 921

Helga Stevens, Monica Macovei, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. The application of this Regulation to the borders of Gibraltar shall be suspended until the date on which an agreement is reached on the scope of the measures concerning the crossing by persons of the external borders.

deleted

Or. en

Amendment 922

Lucy Anderson, Claude Moraes, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi, Wim van de Camp

Proposal for a regulation

Article 51 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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, 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.

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 **including in the transport policy field**, and in particular with the objectives of preventing and combating irregular and cross-border crime including the facilitation of irregular immigration, trafficking in human **beings** and terrorism.

Or. en

Amendment 923

Barbara Spinelli, Kostas Chrysogonos

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 924

Marina Albiol Guzmán, Malin Björk, Kostas Chrysogonos

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

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, **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.**

as other Union, agencies, bodies, offices in matters covered by this Regulation.

Or. en

Amendment 925

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer

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, and in particular with the objectives of preventing and combating **the criminal smuggling of persons**, trafficking in human **beings** and terrorism.

Or. en

Justification

In so far as the Agency will be involved in preventing cross-border crime, its remit should be properly delimited to avoid uncertainty regarding its role and the role of Europol. The three forms of criminal activity included are those specifically referenced in the Commission proposal.

Amendment 926

Ska Keller

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.

Or. en

Amendment 927

Helga Stevens, Monica Macovei, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

Proposal for a regulation

Article 51 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Individuals seeking international protection should be registered, fingerprinted, and debriefed according to existing asylum procedures; background security checks should also be carried out at the EU's external borders, after which the Asylum Procedures Directive (APD) should be applied, inter alia the concepts of first country of asylum and safe country of origin, allowing the Return

Office to swiftly exercise return operations. The European Coast and Border Guard (ECBG), Europol, Eurojust, the European Asylum Support Office (EASO) and national competent authorities shall work together to achieve the aim of accelerated procedures in the context of hotspots.

Or. en

Amendment 928
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 51 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Cooperation with international organisations

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

1. 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.

2. 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 929
Barbara Spinelli, Kostas Chrysogonos

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 930
Ska Keller

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

To that end, the Agency *shall* cooperate with international organisations competent in matters covered by this Regulation, *in particular the Office of the United*

Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and the Commissioner for Human Rights of the Council of Europe.

Or. en

Amendment 931
Ska Keller

Proposal for a regulation
Article 51 – paragraph 2

Text proposed by the Commission

2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies. Such arrangements shall have received the Commission's prior approval. In every case the Agency shall inform the European Parliament of any such arrangements.

Amendment

2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies. Such arrangements shall have received the Commission's prior approval. In every case the Agency shall inform the European Parliament of any such arrangements **and make them public on its website.**

Or. en

Amendment 932
Ska Keller

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

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

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.

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. **Any transfer of personal data to other third parties shall be in line with Article 44 (4).**

Or. en

Amendment 933

Marina Albiol Guzmán, Malin Björk

Proposal for a regulation

Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

European cooperation on coast guard functions

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:

(a) sharing information generated by fusing and analysing data available in ship reporting systems and other information systems hosted by or accessible to the Agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors

mounted on any kind of platform, such as remotely piloted aircraft systems;

(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;

(d) capacity sharing, including the planning and implementation of multipurpose operations and the sharing of assets and other capabilities across sectors and borders.

2. The modalities of 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 in a working arrangement, in accordance with the financial rules applicable to the Agencies.

3. The Commission may adopt, in the form of a recommendation, a practical handbook on European cooperation on coast guard functions, containing guidelines, recommendations and best practices for the exchange of information and cooperation at national, Union and international level.

Or. en

Amendment 934

Ska Keller

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

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, and where appropriate, at international* level by:

coast guard functions, *including search and rescue, at national and Union* level by:

Or. en

Amendment 935

Ska Keller

Proposal for a regulation

Article 52 – paragraph 1 – point b

Text proposed by the Commission

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform, such as remotely piloted aircraft systems;

Amendment

deleted

Or. en

Amendment 936

Barbara Spinelli, Kostas Chrysogonos

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 937

Miriam Dalli

Proposal for a regulation

Article 52 – paragraph 1 – point d

Text proposed by the Commission

(d) capacity sharing, *including the* planning and implementation of multipurpose operations and the sharing of assets and other capabilities *across sectors and borders*.

Amendment

(d) capacity sharing, *by* planning and implementation of multipurpose operations and the sharing of assets and other capabilities, *to the extent that they are coordinate by the agencies and with the agreement of the Member States concerned*

Or. en

Justification

The agreement of the Member States concerned is required for multipurpose operations.

Amendment 938

Emil Radev, Mariya Gabriel, Andrej Plenković

Proposal for a regulation

Article 52 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) sharing and analysing information related to the risks at the maritime external borders of the EU taking into account their specificities;

Or. en

Amendment 939

Ska Keller

Proposal for a regulation

Article 52 – paragraph 2

Text proposed by the Commission

2. The modalities of 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 in a working arrangement, in accordance with the financial rules applicable to the Agencies.

Amendment

2. The modalities of 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 in a working arrangement, in accordance with the financial rules applicable to the Agencies.
The agencies shall use information received in the context of their cooperation only within the limits of their legal framework and in compliance with fundamental rights, including data protection requirements.

Or. en

Justification

From Article 18(6) of the Eurosur Regulation; it should also apply to cooperation with EMSA and EFCA.

Amendment 940

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 52 – paragraph 2

Text proposed by the Commission

2. The modalities of 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 in a working arrangement, in accordance with the financial rules applicable to the Agencies.

Amendment

2. The modalities of 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 in a working arrangement, in accordance with ***their respective mandates and*** the financial rules applicable to the Agencies.

Or. fr

Amendment 941
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

2. The modalities of 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 ***in a working arrangement, in accordance with the*** financial rules applicable to the Agencies.

Amendment

2. The modalities, ***conditions and limits*** of 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 942
Miriam Dalli

Proposal for a regulation
Article 52 – paragraph 3

Text proposed by the Commission

3. The Commission ***may adopt, in the form of a recommendation,*** a practical handbook on European cooperation on coast guard functions, containing guidelines, recommendations and best practices for the exchange of information ***and cooperation at national, Union and international level.***

Amendment

3. The Commission ***shall, in close cooperation with the Member States, the Agency and the European Maritime Safety Agency and the European Fisheries Control Agency, make available,*** a practical handbook on European cooperation on coast guard functions, containing guidelines, recommendations and best practices for the exchange of information. ***The Commission shall adopt the handbook in the form of a recommendation.***

Or. en

Justification

Member States should be involved in the drawing up of such handbook. This handbook shall not interfere with the national aspect and how a Member State organises itself internally. Moreover, International law covers the international aspect and there are dedicated fora with their own procedures where Member States do participate.

Amendment 943
Elissavet Vozemberg-Vrionidi

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

Text proposed by the Commission

Amendment

3a. 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 944
Elissavet Vozemberg-Vrionidi

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

Text proposed by the Commission

Amendment

3b. 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.

Or. en

Amendment 945
Elissavet Vozemberg-Vrionidi

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

Text proposed by the Commission

Amendment

3c. 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 border control tasks.

Or. en

Amendment 946
Alain Cadec, Brice Hortefeux, Renaud Muselier, Rachida Dati

Proposal for a regulation
Article 52 a (new)

Text proposed by the Commission

Amendment

Article 52a

Assessment of European cooperation on coast guard functions

1. The Commission shall submit a report evaluating the implementation of European cooperation on coast guard functions to the European Parliament and the Council by 31 December 2021 at the latest. The report shall analyse and set out, in particular:

(a) the arrangements for cooperation between the European Border and Coast Guard Agency, the European Fisheries Control Agency and the European Maritime Safety Agency, and for cooperation with Member States;

(b) the missions performed under this cooperation and their quantified results, particularly as regards fisheries control;

(c) the benefits of cooperation in terms of improved understanding of the maritime situation as well as operational activities and rapid response to crises at sea;

(d) the financial resources used in the context of this cooperation.

2. The European Border and Coast Guard Agency, the European Fisheries Control Agency, the European Maritime Safety Agency and the Member States shall provide the Commission with the information necessary to carry out the assessment referred to in paragraph 1.

Or. fr

Justification

European cooperation on coast guard functions began mainly as a result of the European Parliament pilot project for 2016. Parliament wishes to be informed of the results and synergies achieved through this project.

Amendment 947

Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli

Proposal for a regulation

Article 53

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 948

Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

Amendment

1. In matters covered by its activities and to the extent required for the fulfilment of its

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.

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, *in particular* 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, *with full respect for human rights and international law*.

Or. en

Amendment 949
Ska Keller

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*. 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.

Or. en

Amendment 950

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi

**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 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 ***and ensuring and enabling good transport, logistics and infrastructure links across external borders***. The Agency and the Member States shall comply with ***the*** 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 951

Michal Boni

**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

Amendment

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.

tasks, the Agency shall facilitate and encourage ***technical and*** 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.

Or. en

Amendment 952

Ignazio Corrao, Laura Agea, Laura Ferrara

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 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, ***including 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 953

Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Tanja Fajon, Miltiadis Kyrkos, Ana Gomes

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 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 ***and the principle of non-refoulement***. The Agency and the Member States shall comply with ***Union law, including*** norms and standards ***which form part of the Union acquis***, 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

Justification

The Agency and Member States should be bound by Union law in all their actions, including in third countries.

Amendment 954
Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law *and policy*. Those working arrangements shall be related to the management of operational cooperation. Such arrangements shall have received the Commission's prior approval.

Amendment

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law, *policy, and norms for the protection of fundamental rights*. Those working arrangements shall be related to the management of operational cooperation. *The European Parliament shall be consulted before the determination of* such arrangements, *which shall also* have received the Commission's prior approval.

Or. en

Amendment 955
Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. Those working arrangements shall be

Amendment

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. Those working arrangements shall be

related to the management of operational cooperation. Such arrangements shall have received the *Commission's* prior approval.

related to the management of operational cooperation. Such arrangements shall have received the *Council's* prior approval.

Or. en

Amendment 956

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. Those working arrangements shall *be related to* the management of operational cooperation. Such arrangements shall have *received the Commission's* prior approval.

Amendment

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, as well as within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. Those working arrangements shall *detail the scope, nature and purpose of the cooperation and* the management of operational cooperation. Such arrangements *have received the Commission's prior approval and* shall have *been presented to the relevant committee in the European Parliament prior to receiving such* approval.

Or. en

Justification

It is important that the working arrangements provide proper detail on the scope, nature and purpose of the cooperation envisaged. The Parliament should be informed of working arrangements to be agreed between the Agency and third countries. The Parliament should be informed in advance of the conclusion of such working arrangements so that it can raise any concerns it might have before the Commission approves those working arrangements.

Amendment 957
Brice Hortefeux, Rachida Dati

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.
Participation by Member States in joint operations within the territory of a third country shall be voluntary. The Commission shall be informed of such activities.

Or. fr

Amendment 958
Christine Revault D'Allonnes Bonnefoy

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

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 shall be informed of such activities.

States, subject to the agreement of that neighbouring third country, including on the territory of that third country. The Commission **and the European Parliament** shall be informed of such activities.

Or. en

Amendment 959

Brice Hortefeux, Rachida Dati, 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. ***Participation by Member States in joint operations within the territory of a third country shall be voluntary.*** The Commission shall be informed of such activities.

Or. fr

Amendment 960

Ska Keller

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 implement 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. ***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 a voluntary basis.***

Or. en

Justification

In order to guarantee the compliance with norms and standards equivalent to those set by Union legislation, operational cooperation on the territory of a third country should be limited to neighbouring third countries which share a common land border with one or several Member States and which ratified and implement in full the relevant European and international conventions.

Amendment 961

Elissavet Vozemberg-Vrionidi

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, **on the basis of an operational plan agreed by the Member States concerned** 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, **either at the external borders or on the territory** of that neighbouring third country. **In the case of an operation** on the territory of that third country, **the agreement of that neighbouring third country will be required**. The Commission shall be informed of such activities.

Or. en

Amendment 962

Miriam Dalli

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

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. **The Agency** shall have the possibility of carrying out **actions** 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**

activities.

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 a voluntary basis. The Commission shall be informed of such activities

Or. en

Justification

When operations with third countries are concerned, the Operational Plan is subject to agreement also by the Member States bordering the operational area, even if not hosting the operation. It is equally important to underline that participation by Member States in joint operations in third countries should be on a voluntary basis.

Amendment 963

Miltiadis Kyrkos, Cécile Kashetu Kyenge

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*** Commission shall be informed of such activities.

Or. en

Amendment 964

Ska Keller

Proposal for a regulation

Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. During such an 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

Justification

The provision from the Maritime Surveillance Regulation on operations of the Agency at the sea should also apply if the Agency is operating on the territory of a third country.

Amendment 965

Jaromír Štětina

Proposal for a regulation

Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. 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 966
Jaromír Štětina

Proposal for a regulation
Article 53 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 967
Ska Keller

Proposal for a regulation
Article 53 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. A status agreement shall be concluded by the EU with the third country, based on Article 218(6)(v) TFEU, for the deployment of the members of the teams in actions where members of the teams 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, detailed provisions on information exchange and data protection and on fundamental rights safeguards, including provisions on the monitoring of fundamental rights and the complaints mechanism. The agreement shall ensure the full respect of fundamental rights during these operations.

Or. en

Amendment 968
Ska Keller

Proposal for a regulation
Article 53 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Before any such agreement 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, 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

Justification

The second part of the amendment brings this Regulation in line with the Eurosur Regulation and the Maritime Surveillance Regulation.

Amendment 969

Ska Keller

Proposal for a regulation

Article 53 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. The Commission shall draw up a model status agreement for actions on the territory of third countries.

Or. en

Amendment 970

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes

Proposal for a regulation

Article 53 – paragraph 5

Text proposed by the Commission

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. The participation of those observers may take place only with the agreement of the Member States concerned regarding the activities referred to in

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.

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 ***and shall be required to adhere to the Codes of Conduct of the Agency while participating in its activities.***

Or. en

Justification

If third country officers are to participate in activities at the external borders, then they should be required to adhere, as a minimum, to the standards set by the Agency for its Border Guards.

Amendment 971 **Elissavet Vozemberg-Vrionidi**

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

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. 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, **18**, 27 and 35 and only with

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.

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 972
Ska Keller

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 **and operational plans** of those activities, may contribute to improving cooperation and the exchange of best practices, and does not affect the overall safety **and compliance of fundamental rights** 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 973
Barbara Spinelli, Kostas Chrysogonos

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 ***non-military*** observers from ***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.

Or. en

Amendment 974
Barbara Spinelli

Proposal for a regulation
Article 53 – paragraph 6

Text proposed by the Commission

6. The Agency shall participate in the

Amendment

deleted

implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation.

Or. en

Amendment 975
Christine Revault D'Allonnes Bonnefoy

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 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. ***The European Parliament shall be consulted over and informed of such activities.***

Or. en

Amendment 976
Barbara Spinelli, Kostas Chrysogonos

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***

Amendment

7. The Agency may benefit from Union funding in accordance ***to its competences. The Agency should 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.***

Regulation.

Or. en

Amendment 977

Michal Boni

**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 with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects ***and training activities*** in third countries regarding matters covered by this Regulation. ***Member States may take part in such projects and trainings.***

Or. en

Amendment 978

Barbara Spinelli

**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.

Amendment

deleted

The Member States shall notify the Commission of any such provisions.

Or. en

Amendment 979

Ska Keller

Proposal for a regulation

Article 53 – paragraph 8

Text proposed by the Commission

Amendment

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 Commission of any such provisions. *deleted*

Or. en

Justification

Individual Member States should not be able to determine on the activities of the Agency. In case the Agency is involved in the cooperation with a third country, it should be a party of the relevant agreement, in accordance with paragraph 3 of this Article.

Amendment 980

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

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.

deleted

Or. en

Amendment 981

Barbara Spinelli, Kostas Chrysogonos

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 inform the European Parliament of the *above mentioned activities*.

Or. en

Amendment 982

Ska Keller

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 983
Christine Revault D'Allonnes Bonnefoy

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 2 and 3, ***which means more systematic reporting to the Parliament on the working arrangements, before and after their conclusion, in order to get extensive information regarding their elaboration and implementation. In general, documentation in relation to those working arrangements or joint operations with third countries has to be made available to the European Parliament.***

Or. en

Amendment 984
Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli

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

Amendment

deleted

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 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 985

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Elly Schlein, Christine Revault D'Allonnes Bonnefoy

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 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

Liaison officers shall only be deployed to third countries in which border management practices comply with minimum human rights standards.

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

Justification

This is part of the text of Article 14(3) of the existing Frontex Regulation. There is no justification for removing such a provision from the new Regulation.

Amendment 986
Jaromír Štětina

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).

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 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 987 **Ska Keller**

Proposal for a regulation **Article 54 – paragraph 2**

Text proposed by the Commission

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 approved by the Management Board.

Amendment

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 approved by the Management Board. ***Liaison officers shall only be deployed to third countries in which border management practices comply with minimum human rights standards.***

Or. en

Justification

Wording from the current Regulation.

Amendment 988

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

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 approved by the Management Board.

Amendment

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 **migration**. 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 approved by the Management Board.

Or. en

Amendment 989

Ska Keller

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

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 with Union delegations.

against irregular immigration and the return of *irregularly* staying third-country nationals *and to promoting fundamental rights in these areas*. Those liaison officers shall coordinate closely with Union delegations.

Or. en

Amendment 990

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

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 *migration* and the return of *those* third-country nationals *who are the subject of a final return decision*. Those liaison officers shall coordinate closely with Union delegations.

Or. en

Amendment 991

Jaromír Štětina

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

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 *with* Union delegations.

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 992

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

Proposal for a regulation Article 54 – paragraph 4

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 993

Ska Keller

Proposal for a regulation Article 54 – paragraph 4

Text proposed by the Commission

Amendment

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*.

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 *receive this opinion and shall* be fully informed of those activities *without delay*.

Amendment 994

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 55 – paragraph 5

Text proposed by the Commission

5. The seat of the Agency shall be **Warsaw, Poland**, subject to the implementation of Article 56.

Amendment

5. The seat of the Agency shall be **Trapani, Italy**, subject to the implementation of Article 56.

Or. en

Amendment 995

Emil Radev

Proposal for a regulation

Article 55 – paragraph 5

Text proposed by the Commission

5. The seat of the Agency shall be **Warsaw, Poland**, subject to the implementation of Article 56.

Amendment

5. The seat of the Agency shall be **Varna, Bulgaria** subject to the implementation of Article 56.

Or. en

Justification

Bulgaria is a Member State subject to specific and disproportionate pressures in terms of migratory flows and foreign fighters movement to and from Turkey. It defends a land and a maritime EU external border. Therefore, having the HQ of the new agency in Bulgaria, especially in the maritime city of Varna, will symbolise the EU readiness to guarantee the security of all its external borders and will be send a signal that all Member States under pressures will receive the EU support.

Amendment 996

Michał Boni

Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission

3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.

Amendment

3. The Member State in which the Agency has its seat shall provide the best possible conditions to ensure proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections *if necessary*.

Or. en

Amendment 997
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.

Amendment

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties. ***In cases referred to in Article 41 the Agency shall be liable for any damages caused by members of the teams during their operations, in particular, the damages caused by violations of fundamental rights.***

Or. en

Amendment 998
Ska Keller

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.

Amendment

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties. ***In cases referred to in Article 41 the Agency shall be liable for any damages caused by members of the teams during their operations, in particular, the damages caused by violations of fundamental rights.***

Or. en

Amendment 999

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 59 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Information on the use of the system of liability for acts of Agency staff, on access to the Court of Justice of the European Union or other regional and international bodies and to legal aid shall be provided to potential victims of human rights violations in the Agency's operations, including persons intercepted at the border, including those who are subject to screening, and returnees.

Or. en

Amendment 1000

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 60 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) an Executive Director ;

deleted

Or. en

Amendment 1001

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 60 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a Supervisory Board;

deleted

Or. en

Amendment 1002

Miriam Dalli

Proposal for a regulation

Article 60 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a Supervisory Board;

deleted

Or. en

Amendment 1003

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 60 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a Supervisory Board;

(c) an Advisory Board;

Or. en

Amendment 1004

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 60 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *a Supervisory* Board;

(c) *an Advisory* Board

Or. en

Amendment 1005

Ska Keller

Proposal for a regulation

Article 60 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *a Consultative Forum; and*

deleted

Or. en

Amendment 1006

**Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld,
Louis Michel, Angelika Mlinar, Morten Helveg Petersen**

Proposal for a regulation

Article 60 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) a Fundamental Rights *Officer*.

(e) a Fundamental Rights *Office*

Or. en

Amendment 1007

Ska Keller

Proposal for a regulation
Article 60 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In addition, the Agency shall establish an independent Consultative Forum.

Or. en

Amendment 1008
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 60 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In addition, the Agency shall establish an independent Consultative Forum and an independent complaint mechanism.

Or. en

Amendment 1009
Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 61 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure

than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1010

Barbara Spinelli, Kostas Chrysogonos

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

Amendment 1011

Marina Albiol Guzmán

Proposal for a regulation

Article 61 – paragraph 1 – point b

Text proposed by the Commission

(b) appoint the members of the Supervisory Board in accordance with Article 69(2);

Amendment

deleted

Or. en

Amendment 1012

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 61 – paragraph 1 – point b

Text proposed by the Commission

(b) appoint the members of the **Supervisory** Board in accordance with Article 69(2);

Amendment

(b) appoint the members of the **Advisory** Board in accordance with Article 69(2);

Text proposed by the Commission

Amendment

(c) adopt **decisions** setting out corrective measures in accordance with Article 12(6);

(c) adopt **recommendations** setting out corrective measures in accordance with Article 12(6);

Or. en

Amendment 1016
Ska Keller

Proposal for a regulation
Article 61 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) shall advise the Executive Director on the measures needed to be taken for the practical execution of the Commission recommendation 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 1017
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

Amendment

2. Proposals for decisions on **specific** activities of the Agency to be carried out at, or in the immediate vicinity of, the external border of any particular Member State shall require a vote in favour of their adoption by the Member of the Management Board representing that Member State.

2. Proposals for decisions on **any** activities of the Agency to be carried out at, or in the immediate vicinity of, the external border of any particular Member State shall require a vote in favour of their adoption by the Member of the Management Board representing that Member State.

Amendment 1018

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 61 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Management Board shall decide by a majority of its members with voting rights on an appeal lodged by a Member State against a decision by the Executive Director concerning a request to launch a joint operation, rapid border intervention or return operation, to send migration management support teams and to suspend or halt the financing of a joint operation or rapid border intervention.

Or. fr

Justification

The Management Board, which, under Article 61(h), exercises disciplinary authority over the Executive Director, must be able to take cognizance of appeals by Member States against a unilateral decision by the Executive Director.

Amendment 1019

Miriam Dalli

Proposal for a regulation

Article 61 – paragraph 6

Text proposed by the Commission

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***, to assist it and the Executive Director with regard to the preparation of the decisions, programmes

6. The Management Board may establish a small-sized Executive 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

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.

the Management Board, *excluding decisions on which a reinforced majority is needed in the Management Board*

Or. en

Justification

The scope of a small-sized Executive Board should be limited in nature and it should not be able to adopt provisional decisions on behalf of the Management Board.

Amendment 1020

Barbara Spinelli, Kostas Chrysogonos

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, **one 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 1021

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.

Or. en

Amendment 1022
Elissavet Vozemberg-Vrionidi

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, 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.

Or. en

Amendment 1023
Barbara Spinelli, Kostas Chrysogonos

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 representatives 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 should 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 1024
Cecilia Wikström, Nathalie Griesbeck, Sophia in 't Veld, Maite Pagazaurtundúa Ruiz

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

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 one representative 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

and their alternates. The duration of the terms of office shall be four years. The terms of office shall be extendable.

Commission shall appoint two members and their alternates. ***The European Parliament shall appoint one member and his or her alternate.*** The duration of the terms of office shall be four years. The terms of office shall be extendable.

Or. en

Justification

The joint statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies of 19 July 2012 clearly states that where appropriate one member of the management board should be designated by the European Parliament. Given the important role of this agency, and given that this principle has been applied recently for instance with regards to the European Union Intellectual Property Office it would be reasonable to apply this principle also for this agency. The inclusion of a member of the management board designated by the European Parliament would also increase transparency with regards to the proceedings of the board.

Amendment 1025 **Ska Keller**

Proposal for a regulation **Article 63 – paragraph 1**

Text proposed by the Commission

1. The Management Board shall, by 30 November each year, adopt a programming document containing the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and, ***as regards the multiannual programming***, after having consulted the European Parliament. The Management Board shall forward that document to the European Parliament, the Council and the Commission.

Amendment

1. The Management Board shall, by 30 November each year, adopt a programming document containing the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and after having consulted the European Parliament. The Management Board shall forward that document to the European Parliament, the Council and the Commission ***without delay***.

Or. en

Amendment 1026
Ska Keller

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

3. The multiannual programming shall set out overall strategic programming in the medium and long term, including the objectives, expected results and performance indicators, as well as resource planning, including the multiannual budget and staff. The multiannual programming shall set the strategic areas of interventions and explain what needs to be done to achieve the objectives. It shall include a strategy for relations with third countries and international organisations, as well as the actions linked to that *strategy*.

Amendment

3. The multiannual programming shall set out overall strategic programming in the medium and long term, including the objectives, expected results and performance indicators, as well as resource planning, including the multiannual budget and staff. The multiannual programming shall set the strategic areas of interventions and explain what needs to be done to achieve the objectives. It shall include a strategy for ***the monitoring and respect for fundamental rights and for*** relations with third countries and international organisations, as well as the actions linked to that *strategies*.

Or. en

Amendment 1027
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 65 – paragraph 5

Text proposed by the Commission

5. The Management Board may invite a representative of the European External Action Service.

Amendment

5. The Management Board may invite a representative of the European External Action Service ***or of any other body, agency or institution of the Union.***

Or. fr

Amendment 1028
Ska Keller

Proposal for a regulation
Article 67 – paragraph 2

Text proposed by the Commission

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, *in particular* 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.

Amendment

2. 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 *or any other matter related to the activities of the Agency. The Executive Director shall make a statement before the European Parliament and report to it regularly or whenever so requested.*

Or. en

Amendment 1029

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation
Article 67 – paragraph 2

Text proposed by the Commission

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, in particular 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.

Amendment

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, in particular on the implementation and monitoring of *the overall European integrated border management strategy adopted by Parliament and the Council, the operational and technical strategy for European integrated border management drawn up by the Agency*, 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.

Amendment 1030

Ana Gomes

Proposal for a regulation

Article 67 – paragraph 2

Text proposed by the Commission

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks, in particular 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.

Amendment

2. The European Parliament or the Council may invite the Executive Director to report on the carrying out of his or her tasks ***at any time and*** in particular 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.

Or. en

Amendment 1031

Ska Keller

Proposal for a regulation

Article 67 – paragraph 3 – point c

Text proposed by the Commission

(c) to prepare each year the programming document and to submit it to the Management Board after consulting the Commission;

Amendment

(c) to prepare each year the programming document and to submit it to the Management Board after consulting the Commission ***and the European Parliament;***

Or. en

Amendment 1032

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation
Article 67 – paragraph 3 – point d

Text proposed by the Commission

(d) to prepare each year the consolidated annual activity report on the Agency's activities and submit it to the Management Board;

Amendment

(d) to prepare each year the consolidated annual activity report on the Agency's activities and submit it to the Management Board, *the Commission, the Council and the European Parliament*;

Or. en

Amendment 1033
Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation
Article 67 – paragraph 3 – point g

Text proposed by the Commission

(g) to adopt a decision on corrective measures in accordance with Article 12(5), including to propose to Member States to initiate and carry out joint operations, rapid border interventions or other action referred to in Article 13(2);

Amendment

deleted

Or. en

Amendment 1034
Marina Albiol Guzmán

Proposal for a regulation
Article 67 – paragraph 3 – point g

Text proposed by the Commission

(g) to adopt a decision on corrective measures in accordance with Article 12(5), including to propose to Member States to initiate and carry out joint operations, rapid border interventions or other action referred to in Article 13(2);

Amendment

deleted

Amendment 1035

Ska Keller

Proposal for a regulation

Article 67 – paragraph 3 – point g

Text proposed by the Commission

(g) to adopt a **decision** on corrective measures in accordance with Article 12(5), including to propose to Member States to initiate and carry out joint operations, rapid border interventions or other action referred to in Article 13(2);

Amendment

(g) to adopt a **recommendation** on corrective measures in accordance with Article 12(5), including to propose to Member States to initiate and carry out joint operations, rapid border interventions or other action referred to in Article 13(2);

Or. en

Amendment 1036

Ignazio Corrao, Laura Agea, Laura Ferrara

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 1037

Ska Keller

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

Amendment

(k) to ensure the implementation of the Commission **recommendation in**

18;

accordance with Article 18;

Or. en

Amendment 1038

Ska Keller

Proposal for a regulation

Article 67 – paragraph 3 – point l

Text proposed by the Commission

(l) to withdraw financing of a joint operation or rapid border intervention or to suspend or terminate such operations in accordance with Article 24;

Amendment

(l) to withdraw financing of a joint operation or rapid border intervention, ***a pilot project, a migration management support team, a return operation or a return intervention*** or to suspend or terminate such operations in accordance with Article 24;

Or. en

Amendment 1039

Ska Keller

Proposal for a regulation

Article 67 – paragraph 3 – point m

Text proposed by the Commission

(m) to evaluate the results of joint operations and rapid border interventions in accordance with Article 25;

Amendment

(m) to evaluate the results of joint operations and rapid border interventions, ***pilot projects, migration management support teams, return operations, return interventions and operational cooperation with third countries*** in accordance with Article 25;

Or. en

Amendment 1040

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Petr Ježek, Louis Michel, Angelika Mlinar, Morten Helveg Petersen,

Gérard Deprez

Proposal for a regulation
Article 67 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. 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.

Or. en

Amendment 1041

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld, Cecilia Wikström, Petr Ježek, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation
Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67a

Independence

- 1. The Executive Director shall act in complete independence in the performance of his or her duties.***
- 2. The Executive Director shall, in the performance of his or her duties, neither seek nor take instructions from anybody.***
- 3. The Executive Director shall refrain from any action incompatible with his or her duties and shall not, during his or her term of office, engage in any other occupation, whether gainful or not.***
- 4. The Executive Director shall, after his or her term of office, behave with integrity and discretion as regards the acceptance of appointments and benefits.***

Or. en

Amendment 1042

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

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 *European Parliament and the Council shall appoint by common accord* the Executive Director and the Deputy Executive Director based on a list *drawn up by the Commission* following publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1043

Ignazio Corrao, Laura Agea, Laura Ferrara

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 Executive Director and the Deputy Executive Director are appointed by a joint decision of the European Parliament and the Council on the basis of a list drawn up by the Commission following a public call for candidates.* 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. *The competent committee of the European Parliament may decide to arrange a hearing in order to enable it to express a preference.*

Or. en

Amendment 1044

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel

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 *appointment of the Executive Director and the Deputy Executive Director shall take place in accordance with the cooperation (concertation) procedure provided for in paragraph 2.*

The Executive Director and Deputy Executive Director *shall be appointed on the basis of his or her merit, documented high-level administrative and management skills, and senior professional experience in the field of the management of external borders.*

Or. en

Amendment 1045

Geoffrey Van Orden, Helga Stevens

Proposal for a regulation Article 68 – paragraph 1

Text proposed by the Commission

1. The *Commission* shall propose

Amendment

1. The *Council* shall propose candidates

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.

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 1046

Gérard Deprez

Proposal for a regulation

Article 68 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The candidates proposed by the Commission shall be heard by the committees responsible of the European Parliament. After these hearings, Parliament shall deliver an opinion in which it shall indicate its preferences to the Management Board.

Or. fr

Amendment 1047

Ignazio Corrao, Laura Agea, Laura Ferrara

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.

deleted

Amendment 1048**Gérard Deprez****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 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 account of the opinion delivered by the European Parliament and*** shall take its decision by a two-thirds majority of all members with a right to vote.

Or. fr

Amendment 1049**Ska Keller****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 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. ***The European Parliament shall confirm the appointment of the Executive Director, after having heard the***

candidate.

Or. en

Justification

This mirrors the rights of the Parliament in relation to ESMA, an agency related to the Banking Union; it has similar powers to the European Border and Coast Guard Agency.

Amendment 1050

Barbara Spinelli, Kostas Chrysogonos

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 1051

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

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

Amendment

The Executive Director shall be ***chosen*** on the grounds of merit, ***independence*** and documented high-level administrative and management skills, as well as senior

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.***

professional experience in the field of management of the external borders and return.

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1052

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Birgit Sippel

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 ***cooperation procedure*** shall be as follows:

(a) on the basis of a list drawn up by the Commission, following publication of the posts in the Official Journal of the European Union and other press or internet sites as appropriate, and before the appointments are made, applicants will be asked to address the Council and the competent European Parliament Committee and to reply to questions;

(b) the European Parliament and the Council will then give their opinions and state their orders of preference;

*(c) the Management Board shall appoint the Director and Deputy Executive Director taking those opinions into account. The Management Board shall take its **decisions** by a two-thirds majority of all members with a right to vote.*

Or. en

Amendment 1053

Ana Gomes

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 1054

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

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

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1055

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 68 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

Power to dismiss the Executive Director shall lie with the **European Parliament and the Council**, acting on a proposal from the Commission.

Or. en

Amendment 1056

Ska Keller

Proposal for a regulation

Article 68 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1057

Ana Gomes

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Before appointment, the candidate selected by the Management Board shall be invited to pass a hearing before the European Parliament. The European Parliament shall adopt an opinion setting out its view on the selected candidate.

The Management Board shall inform the European Parliament of the manner in which this opinion has been taken into account. The opinion shall be treated as personal and confidential until the appointment of the candidate.

Or. en

Amendment 1058
Ana Gomes

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 2 b (new)

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 and based on an opinion from the Parliament.

Or. en

Amendment 1059
Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation
Article 68 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1060

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 68 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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

The Deputy Executive Director shall be ***chosen*** on the grounds of merit and documented appropriate administrative and management skills, as well as relevant professional experience in the field of management of the external borders and return.

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European

Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

**Proposal for a regulation
Article 68 – paragraph 6**

Text proposed by the Commission

Amendment

6. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the Executive Director once, for no more than five years.

deleted

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1064

Ignazio Corrao, Laura Agea, Laura Ferrara

**Proposal for a regulation
Article 68 – paragraph 6**

Text proposed by the Commission

Amendment

6. The **Management Board**, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the Executive Director once, for no more than five years.

6. The **European Parliament and the Council**, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 5, may extend the term of office of the Executive Director once, for no more than five years.

Or. en

Amendment 1065

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 68 – paragraph 7

Text proposed by the Commission

Amendment

7. The term of the office of the Deputy Executive Director shall be five years. It may be extended by the Management Board once for another period of up to five years. *deleted*

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1066
Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation
Article 68 – paragraph 7

Text proposed by the Commission

Amendment

7. The term of the office of the Deputy Executive Director shall be five years. It may be extended by the **Management Board** once for another period of up to five years.

7. The term of the office of the Deputy Executive Director shall be five years. It may be extended by the **European Parliament and the Council** once for another period of up to five years.

Or. en

Amendment 1067
Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 68 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Executive Director and the Deputy Executive Director shall be eligible for reappointment.

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1068

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 68 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Apart from normal replacement or death, the duties of the Executive Director and the Deputy Executive Director shall end in the event of resignation. The Executive Director and the Deputy Executive Director may be dismissed by the Court of Justice at the request of the European Parliament, the Council or the Commission, if he or she no longer fulfils the conditions required for the performance of his or her duties or if he or she is guilty of serious misconduct.

Or. en

Justification

In the Commission's proposal, the Management Board appoints the Executive Director and the Deputy Executive Director. This group of amendments proposes that the European Parliament and the Council appoint them by common accord (following the same procedure

than for the EDPS appointment). Power to dismiss them shall also lie with the European Parliament / Council and Commission and not with the Management Board.

Amendment 1069

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 69

Text proposed by the Commission

Amendment

Article 69

deleted

Supervisory Board

1. The Supervisory Board shall advise the Executive Director:

(a) on the recommendations to be made by the Executive Director to a Member State concerned to initiate and carry out joint operations or rapid border interventions in accordance with Article 14(4);

(b) on the decisions to be taken by the Executive Director to Member States based on the outcome of the vulnerability assessment carried out by the Agency in accordance with Article 12;

(c) on the measures needed to be taken for 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).

2. The Supervisory Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board and one of the representatives of the Commission to the Management Board. The Supervisory Board shall be chaired by the Deputy Executive Director.

3. The Supervisory Board shall report to the Management Board.

Amendment 1070
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 69

Text proposed by the Commission

Amendment

Article 69

deleted

Supervisory Board

1. The Supervisory Board shall advise the Executive Director:

(a) on the recommendations to be made by the Executive Director to a Member State concerned to initiate and carry out joint operations or rapid border interventions in accordance with Article 14(4);

(b) on the decisions to be taken by the Executive Director to Member States based on the outcome of the vulnerability assessment carried out by the Agency in accordance with Article 12;

(c) on the measures needed to be taken for 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).

2. The Supervisory Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board and one of the representatives of the Commission to the Management Board. The Supervisory Board shall be chaired by the Deputy Executive Director.

3. The Supervisory Board shall report to the Management Board.

Amendment 1071

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 69 – title

Text proposed by the Commission

Amendment

Supervisory Board

Advisory Board

Or. en

Amendment 1072

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 69 – title

Text proposed by the Commission

Amendment

Supervisory Board

Advisory Board

Or. en

Justification

It is clear that this board will not supervise the Director but will advise the Director. Consequential amendments have been made throughout the text.

Amendment 1073

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 69 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The **Supervisory** Board shall advise the Executive Director:

1. The **Advisory** Board shall advise the Executive Director:

Or. en

Amendment 1074

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 69 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Supervisory** Board shall advise the Executive Director:

Amendment

1. The **Advisory** Board shall advise the Executive Director:

Or. en

Amendment 1075

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission

2. The **Supervisory** Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board **and** one of the representatives of the Commission to the Management Board. **The Supervisory** Board shall be chaired by the Deputy Executive Director.

Amendment

2. The **Advisory** Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board, one of the representatives of the Commission to the Management Board, **the representative of the European Parliament to the Management Board, one representative from EASO and one representative from the fundamental rights Office.** **The Advisory** Board shall be chaired by the Deputy Executive Director.

Or. en

Amendment 1076

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission

2. The Supervisory Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board and one of the representatives of the Commission to the Management Board. The Supervisory Board shall be chaired by the Deputy Executive Director.

Amendment

2. The Supervisory Board shall be composed of the Deputy Executive Director, four other senior officials of the Agency to be appointed by the Management Board, ***the Fundamental Rights Officer*** and one of the representatives of the Commission to the Management Board. The Supervisory Board shall be chaired by the Deputy Executive Director.

Or. en

Amendment 1077

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission

2. The ***Supervisory*** Board shall be composed of the Deputy Executive Director, ***four*** other senior officials of the Agency to be appointed by the Management Board and one of the representatives of the Commission to the Management Board. The ***Supervisory*** Board shall be chaired by the Deputy Executive Director.

Amendment

2. The ***Advisory*** Board shall be composed of the Deputy Executive Director, ***the Fundamental Rights Officer***, ***three*** other senior officials of the Agency to be appointed by the Management Board and one of the representatives of the Commission to the Management Board. The ***Advisory*** Board shall be chaired by the Deputy Executive Director.

Or. en

Amendment 1078

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 69 – paragraph 3

Text proposed by the Commission

3. The **Supervisory** Board shall report to the Management Board.

Amendment

3. The **Advisory** Board shall report to the Management Board.

Or. en

Amendment 1079

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 70 – paragraph 2

Text proposed by the Commission

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition **and the working methods** of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.

Amendment

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees, **human rights NGOs** and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum. **The Consultative Forum shall set up its working programme and working methods.**

Or. en

Amendment 1080

Ska Keller

Proposal for a regulation

Article 70 – paragraph 2

Text proposed by the Commission

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for

Amendment

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for

Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition *and the working methods* of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.

Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum. *The Consultative Forum shall define its working methods and set up its working programme.*

Or. en

Amendment 1081

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 70 – paragraph 2

Text proposed by the Commission

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. *On a proposal by the Executive Director, the Management Board shall decide on the composition and the working methods of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.*

Amendment

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. *The Consultative Forum shall decide independently on its working methods.*

Or. en

Amendment 1082

Marina Albiol Guzmán

Proposal for a regulation

Article 70 – paragraph 2

Text proposed by the Commission

2. The Agency shall invite the European

Amendment

2. The Agency shall invite the European

Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition *and the working methods* of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.

Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum.

Or. en

Amendment 1083

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation Article 70 – paragraph 2

Text proposed by the Commission

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition *and the working methods* of the Consultative Forum *and the modalities of the transmission of information to the Consultative Forum*.

Amendment

2. The Agency shall invite the European Asylum Support Office, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition of the Consultative Forum. *The Consultative Forum shall decide on its own working methods.*

Or. en

Amendment 1084

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation Article 70 – paragraph 3

Text proposed by the Commission

3. The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Codes of Conduct and common core curricula.

Amendment

3. The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Codes of Conduct, ***agreements with third countries if existing, the complaint mechanism, operational plans*** and common core curricula ***as well as for establishing the criteria referred to in Article 12 and Article 24.***

Or. en

Amendment 1085
Ska Keller

Proposal for a regulation
Article 70 – paragraph 3

Text proposed by the Commission

3. The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Codes of Conduct and common core curricula.

Amendment

3. The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Codes of Conduct, ***agreements with third countries, the complaint mechanism, operational plans*** and common core curricula ***as well as for establishing the criteria referred to in Article 12 and Article 24.***

Or. en

Amendment 1086
Ska Keller

Proposal for a regulation
Article 70 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency shall inform the Consultative Forum how it has altered or

not its activities as a response to reports and recommendations of the Consultative Forum and include details in its annual report.

Or. en

Amendment 1087
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 70 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency shall inform the Consultative Forum how it has altered or not its activities as a response to reports and recommendations of the Consultative Forum and include details in its annual report.

Or. en

Amendment 1088
Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Petr Ježek, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation
Article 70 – paragraph 5

Text proposed by the Commission

Amendment

5. The Consultative Forum shall have access to all information concerning the respect for fundamental rights, including by carrying out on spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State.

5. The Consultative Forum shall have *an effective* access to all information concerning the respect for fundamental rights, including by carrying out on spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State.

Or. en

Amendment 1089

Ska Keller

Proposal for a regulation

Article 70 – paragraph 5

Text proposed by the Commission

5. The Consultative Forum shall have access to all information concerning the respect for fundamental rights, including by carrying out on spot visits to ***joint operations or rapid border interventions subject to the agreement of the host Member State.***

Amendment

5. The Consultative Forum shall have access to all information concerning the respect for fundamental rights ***in a timely and effective manner***, 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.***

Or. en

Amendment 1090

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 70 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Consultative Forum shall be supported by a professional and independent secretariat with full control over its own budget, which shall be sufficient to carry out its mandate and proportionate to the dimensions of the Agency and to the growth of its budget.

Or. en

Amendment 1091

Ska Keller

Proposal for a regulation

Article 70 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Consultative Forum shall be supported by a professional and independent secretariat with full control over its own budget, which shall be sufficient to carry out its mandate and proportionate to the dimensions of the Agency and to the growth of its budget.

Or. en

Amendment 1092

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 71 – title

Text proposed by the Commission

Amendment

Fundamental Rights ***Officer***

Fundamental Rights ***Office***

Or. en

Amendment 1093

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

Amendment

1. A Fundamental Rights ***Officer*** shall be ***designated by the Management Board and shall have the necessary qualifications and experience in the field*** of fundamental rights.

1. A Fundamental Rights ***Office*** shall be ***established within the Agency, with the capacity to monitor the respect*** of fundamental rights ***by the Agency***.

Or. en

Amendment 1094

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 71 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Fundamental Rights Office shall be composed of Fundamental Rights Officers that have the necessary qualifications and experience in the field of fundamental rights.

Or. en

Amendment 1095

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 71 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Fundamental Rights Office shall have adequate resources and staff at its disposal, corresponding to the mandate and the size of the Agency.

Or. en

Amendment 1096

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

Amendment

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

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**.

Management Board and cooperate with the Consultative Forum. The Fundamental Rights Officer shall report on a regular basis.

Or. en

Amendment 1097

Michal Boni

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 independent in the performance of his or her duties as a Fundamental Rights Officer, **for which he should be provided with appropriate resources**, 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.

Or. en

Amendment 1098

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

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

Amendment

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 **to** the Consultative Forum. The Fundamental Rights Officer

Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

Or. en

Amendment 1099
Ska Keller

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 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 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

Justification

The amendment brings this Article in line with the current Regulation.

Amendment 1100
Marina Albiol Guzmán

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

Amendment

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.

Management Board and 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 1101

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

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

Or. en

Amendment 1102

Barbara Spinelli, Kostas Chrysogonos

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

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, *the European Parliament and* the Consultative Forum.

Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

The Fundamental Rights Officer shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.

Or. en

Amendment 1103

Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Tanja Fajon, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 71 – paragraph 2 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The Fundamental Right Officer shall have access to all information concerning respect for fundamental rights in relation to all activities of the Agency.

Or. en

Amendment 1104

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 71 – paragraph 2 – point 2 (new)

Text proposed by the Commission

Amendment

(2) The staffing of the office of the Fundamental Rights Officer shall be commensurate to the staffing of the Agency and to the fulfilment of his or her mandate.

Or. en

Amendment 1105

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 71 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Fundamental Rights Office is fully represented in the Advisory Board

Or. en

Amendment 1106
Ska Keller

Proposal for a regulation
Article 71 – paragraph 3

Text proposed by the Commission

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.

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, cooperation with third countries, the withdrawing of the financing, the suspension or termination of an activity of the Agency 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.***

Or. en

Amendment 1107

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

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 have access to all information concerning respect for fundamental rights.

Or. en

Amendment 1108

Barbara Spinelli, Kostas Chrysogonos

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 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 1109

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

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 **Office** 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.

Or. en

Amendment 1110
Barbara Spinelli, Kostas Chrysogonos, Malin Björk

Proposal for a regulation
Article 71 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency shall ensure that the Fundamental Rights Officer has sufficient staff and resources to fulfil its tasks. The Fundamental Rights Officer shall have control over its budget.

Or. en

Amendment 1111
Ska Keller

Proposal for a regulation
Article 71 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency shall ensure that the Fundamental Rights Officer has sufficient staff and resources to fulfil its tasks. The Fundamental Rights Officer shall have control over its budget.

Amendment 1112

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

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 complaint mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights, *if systematic deficiencies for the respect of human rights are reported by the Fundamental Rights Officer*.

Or. en

Amendment 1113

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Birgit Sippel

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 *an independent, impartial and effective* complaint mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.

Or. en

Amendment 1114
Barbara Spinelli, Kostas Chrysogonos

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 fulfilment of*** fundamental rights in all the activities of the Agency.

Or. en

Amendment 1115
Christine Revault D'Allonnes Bonnefoy

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 complaint mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency, ***including within the framework of the working arrangements concluded with the competent authorities of third countries. This mechanism has to take into account the needs of persons in a vulnerable situation, such as children, victims of trafficking in human beings, persons in need of medical assistance, pregnant women, and persons in need of international protection.***

Or. en

Amendment 1116

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

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 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.

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 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 1117

Ska Keller

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 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.

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 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.

Amendment 1118
Barbara Spinelli, Kostas Chrysogonos

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 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.

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 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.

Amendment 1119
Elissavet Vozemberg-Vrionidi

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 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.

Amendment

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 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, may submit a complaint, in writing, to the Agency.

Amendment 1120

Barbara Spinelli, Kostas Chrysogonos, Malin Björk

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 ***or hypothetical*** 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 1121

Ska Keller

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 ***or hypothetical*** 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 1122

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Birgit Sippel

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. Complaints which are **ill founded**, malicious, frivolous, vexatious, hypothetical or **unidentifiable** 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 1123

Christine Revault D'Allonnes Bonnefoy

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 complaints **based on violations of** fundamental rights **as protected by EU and international law** shall be admissible. Complaints **submitted by third parties acting in good faith in the interest of a complainant who may wish to keep his or her identity undisclosed** shall be **admitted in** the complaint mechanism.

Or. en

Amendment 1124

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation Article 72 – paragraph 4

Text proposed by the Commission

4. The **Fundamental Rights Officer** shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall 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**.

Amendment

4. The **independent complaint body** shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer **with the independent complaint body** shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints **within three weeks** to the Executive Director, forward complaints concerning border guards to the home Member State **or third country, including the relevant authority or body competent for fundamental rights, and** register **and ensure** the follow-up by the Agency, **that Member State or that third country**.

The independent complaint body shall inform the complainant of the decision on admissibility, and of the national authorities to which his or her complaint was forwarded. In case a complaint is found to be inadmissible, it shall inform the complainant of the reasons thereof. Any decision shall be in written form and reasoned.

Or. en

Amendment 1125

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Birgit Sippel

**Proposal for a regulation
Article 72 – paragraph 4**

Text proposed by the Commission

4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall review the admissibility of a

Amendment

4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the **EU Charter of Fundamental Rights, including the** right to good administration. For this purpose, the Fundamental Rights

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.

Officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director **and** complaints concerning border guards to the home Member State, **including the relevant authority or body competent for fundamental rights in Member State, within a determined time period. The Fundamental Rights Officer will also register and ensure** the follow-up by the Agency or that Member State. **Any decision shall be in written form and reasoned. The Fundamental Rights Officer shall inform the complainant of the decision on admissibility, and of the national authorities to which his or her complaint was forwarded. The person shall have the right to appeal decisions on admissibility.**

Or. en

Amendment 1126 **Ska Keller**

Proposal for a regulation **Article 72 – paragraph 4**

Text proposed by the Commission

4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall 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**.

Amendment

4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints **within three weeks** to the Executive Director, forward complaints concerning border guards to the home Member State **or third country, including the relevant authority or body competent for fundamental rights,** and register **and ensure** the follow-up by the Agency, **that Member State** or that **third country. The Fundamental Rights**

Officer shall inform the complainant of the decision on admissibility, and of the national authorities to which his or her complaint was forwarded. In case the Fundamental Rights Officer found a complaint inadmissible, it shall inform the complainant of the reasons thereof. Any decision shall be in written form and reasoned.

Or. en

Justification

The complaint mechanism should also apply for operations in third countries. The involvement of national authorities or bodies competent for fundamental rights was a core request of the Parliament in its own-initiative report on the subject.

Amendment 1127

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 72 – paragraph 5

Text proposed by the Commission

5. In case of a registered complaint concerning a staff member of the Agency, the ***Executive Director*** shall ensure appropriate follow-up, including disciplinary measures as necessary. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up ***given by*** the Agency ***to a complaint***.

Amendment

5. In case of a registered complaint concerning a staff member of the Agency, the ***Fundamental Rights Officer*** shall ensure appropriate follow-up, including ***recommending*** disciplinary measures ***to the Executive Director, and referral to civil or criminal justice procedures*** as necessary ***in accordance with this Regulation and national law***. The Executive Director shall report back to the Fundamental Rights Officer ***regarding the implementation of disciplinary measures within a determined time period, and if necessary, at regular intervals thereafter. In the case of civil or criminal justice proceedings, the relevant Member State shall report back to the Fundamental Rights Officer*** as to the findings and follow-up ***to a complaint within a determined time period, and if necessary,***

at regular intervals thereafter. In case the relevant Member State does not report back, the Agency shall send a letter of warning recalling the possible actions which the Agency can take if no follow-up is received to the letter.

Or. en

Amendment 1128
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 72 – paragraph 5

Text proposed by the Commission

5. In case of a registered complaint concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, including disciplinary measures as necessary. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint.

Amendment

5. In case of a registered complaint concerning a staff member of the Agency ***or seconded members of the teams or seconded national experts***, the Executive Director shall ensure appropriate follow-up, including disciplinary measures ***and referral to civil or criminal justice procedures*** as necessary ***in accordance with this Regulation and national law***. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint ***the latest three months after having received the complaint and, if necessary, every six weeks thereafter***.

Or. en

Amendment 1129
Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 72 – paragraph 5

Text proposed by the Commission

5. In case of a registered complaint

Amendment

5. In case of a registered complaint

concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, including disciplinary measures as necessary. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint.

concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, including disciplinary measures *and sanctions* as necessary. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint.

Or. en

Amendment 1130
Ska Keller

Proposal for a regulation
Article 72 – paragraph 5

Text proposed by the Commission

5. In case of a registered complaint concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, including disciplinary measures as necessary. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint.

Amendment

5. In case of a registered complaint concerning a staff member of the Agency *or seconded members of the teams or seconded national experts*, the Executive Director shall ensure appropriate follow-up, including disciplinary measures *and referral to civil or criminal justice procedures* as necessary *in accordance with this Regulation and national law*. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint *the latest three months after having received the complaint and, if necessary, every six weeks thereafter*.

Or. en

Amendment 1131
Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 72 – paragraph 6

Text proposed by the Commission

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint.

Amendment

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures ***and sanctions*** as necessary, or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint.

Or. en

Amendment 1132

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes

**Proposal for a regulation
Article 72 – paragraph 6**

Text proposed by the Commission

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint.

Amendment

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures ***and referral to civil or criminal justice procedures*** as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint ***within a determined time period, and if necessary, at regular intervals thereafter. In case the relevant Member State does not report back, the Agency shall send a letter of warning recalling the possible actions which the Agency can take if no***

follow-up is received to the letter.

Or. en

Amendment 1133

Ska Keller

Proposal for a regulation

Article 72 – paragraph 6

Text proposed by the Commission

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, ***including seconded members of the teams or seconded national experts, the home Member State*** shall ensure appropriate follow-up, including disciplinary measures ***as necessary or other measures*** in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint.

Amendment

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, ***or a third country the home Member State or the third country*** shall ensure appropriate follow-up, including disciplinary measures ***and referral to civil or criminal justice procedures as necessary*** in accordance with ***this Regulation and*** national law. The relevant Member State ***or third country*** shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint ***the latest three months after having received the complaint and, if necessary, every six weeks thereafter. In case the relevant Member State or third country does not report back, the Agency shall send a letter of warning recalling the possible actions which the Agency can take if no follow-up is received to the letter.***

Or. en

Justification

A proper follow-up of complaints should be ensured, as also requested by the Parliament in its own-initiative report on the complaint mechanism.

Amendment 1134

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation
Article 72 – paragraph 6

Text proposed by the Commission

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights **Officer** as to the findings and follow-up to a complaint.

Amendment

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights **Office**, *within a limited period of time*, as to the findings and follow-up to a complaint. *If the Member State concerned do not provide such a follow-up, the Agency shall send an official letter informing the Member State about the complaint and determining possible follow-up actions to the Member State.*

Or. en

Amendment 1135
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 72 – paragraph 6

Text proposed by the Commission

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, *including seconded members of the teams or seconded national experts, the home Member State* shall ensure appropriate follow-up, including disciplinary measures *as necessary or other measures* in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the

Amendment

6. In case of a registered complaint concerning a border guard of a host Member State or a member of the teams, *or a third country the home Member State or the third country* shall ensure appropriate follow-up, including disciplinary measures *and referral to civil or criminal justice procedures as necessary* in accordance with *this Regulation and* national law. The relevant Member State *or third country* shall report back to the Fundamental

findings and follow-up to a complaint.

Rights Officer as to the findings and follow-up to a complaint *the latest three months after having received the complaint and, if necessary, every six weeks thereafter. In case the relevant Member State or third country does not report back, the Agency shall send a letter of warning recalling the possible actions which the Agency can take if no follow-up is received to the letter.*

Or. en

Amendment 1136

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 72 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Agency and the Member States shall provide for an appeal procedure in cases where a complaint is declared inadmissible, is rejected or the follow-up considered inappropriate by the complainant.

Or. en

Amendment 1137

Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 72 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In case of a registered complaint concerning an observer from a third country invited by the Agency to participate in its activities, the Agency shall ensure appropriate follow-up, including the exclusion of that third country observer from the relevant

operation. The Executive Director shall report back to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint.

Or. en

Amendment 1138

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 72 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In case a border guard or a seconded national expert has been found to have violated fundamental rights or international protection obligations, the Agency shall request the Member State to remove the border guard or seconded national expert immediately from the activity of the Agency or the rapid reserve pool, and pursue appropriate disciplinary or civil or criminal justice measures.

Or. en

Amendment 1139

Ska Keller

Proposal for a regulation

Article 72 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Agency and the Member States shall provide for an appeal procedure in cases where a complaint is declared inadmissible, is rejected or the follow-up considered inappropriate by the complainant.

Or. en

Amendment 1140

Ska Keller

Proposal for a regulation

Article 72 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. The Executive Director shall withdraw financial compensation to a Member State or third country which does not take an appropriate follow-up including disciplinary, civil and/or criminal justice measures as necessary or other measures in accordance with national law. In case a border guard has been found to have violated fundamental rights or international protection obligations, the Agency shall request the Member State or third country concerned to remove the border guard or seconded national expert immediately from the activity of the Agency or the rapid reserve pool, and pursue appropriate disciplinary or civil or criminal justice measures.

Or. en

Justification

A proper follow-up of complaints should be ensured, including the withdrawal of financial compensation to a Member State or third country which does not take an appropriate follow-up. The Parliament also called for this in its own-initiative report on the complaint mechanism.

Amendment 1141

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Elly Schlein, Birgit Sippel

Proposal for a regulation

Article 72 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Agency shall provide publicly accessible information on the complaints mechanism in the context of its annual report, indicating the number of complaints received, the types of fundamental rights violations, the operation concerned and the follow-up measures taken by Agency which would help it to identify possible shortcomings and improve its working methods.

Or. en

Amendment 1142

Ska Keller

Proposal for a regulation

Article 72 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. 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 1143

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 72 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. 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 1144
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 72 – paragraph 8

Text proposed by the Commission

8. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is not admissible, complainants shall be informed of the reasons and provided with further options for addressing their concerns.

Amendment

8. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is not admissible, complainants shall be informed of the reasons and provided with further options for addressing their concerns *through the European Ombudsman.*

Or. en

Amendment 1145
Barbara Spinelli

Proposal for a regulation
Article 72 – paragraph 8

Text proposed by the Commission

8. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is not admissible, complainants shall be informed of the reasons and provided with further options for addressing their concerns.

Amendment

8. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is not admissible, complainants shall be informed of the reasons and provided with further options for addressing their concerns.

Admissible complaints shall be shared with national ombudsmen, as set forth by the European Ombudsman, as well as other relevant bodies competent in the area of fundamental rights.

Or. en

Amendment 1146
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 72 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The Fundamental Rights Officer shall, after consulting the Consultative Forum, **draw up** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The Fundamental Rights Officer shall submit that form to the Executive Director and to the Management Board.

Amendment

The Fundamental Rights Officer shall, after consulting the Consultative Forum, **establish the procedure for an independent complaints mechanism, including** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The Fundamental Rights Officer shall submit that form to the Executive Director and to the Management Board.

Or. en

Amendment 1147
Ska Keller

Proposal for a regulation
Article 72 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The Fundamental Rights Officer shall, after consulting the Consultative Forum, **draw up** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The Fundamental Rights Officer shall submit that form to the

Amendment

The Fundamental Rights Officer shall, after consulting the Consultative Forum, **establish the procedure for the complaints mechanism, including** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The

Executive Director and to the Management Board.

Fundamental Rights Officer shall submit that form to the Executive Director and to the Management Board.

Or. en

Amendment 1148

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 72 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The Fundamental Rights Officer shall, after consulting the Consultative Forum, **draw up** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The Fundamental Rights Officer shall submit that form to the Executive Director and to the Management Board.

Amendment

The Fundamental Rights Officer shall **establish the procedure for the complaints mechanism**, after consulting the Consultative Forum, **on the basis of Article 41 and 47 of the EU Charter of Fundamental Rights, including** a standardized complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights, **and the detailed procedures for information, admissibility, follow-up and appeal, including, where necessary, measures to facilitate access to the complaints mechanism and effective remedies for individuals who are residing in a third country**. The Fundamental Rights Officer shall submit that form to the Executive Director and to the Management Board.

Or. en

Amendment 1149

Barbara Spinelli, Kostas Chrysogonos

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 a 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, ***and that 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.*** Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Or. en

Amendment 1150

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Elly Schlein, Birgit Sippel

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 ***information about the possibility and procedure for making a complaint is readily available.*** The standardized complaint form ***shall be made*** available in ***languages that third-country nationals understand or may be reasonably supposed to understand*** on the Agency's website and in hardcopy during all activities of the Agency. ***Further guidance and assistance on the complaints procedure shall be provided to alleged victims and on request. Information tailored to children and other vulnerable groups shall be provided to***

facilitate their access to the complaints mechanism. Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Or. en

Amendment 1151

Anna Maria Corazza Bildt, Caterina Chinnici, Carlos Coelho, Therese Comodini Cachia, Barbara Matera, Tomáš Zdechovský, Timothy Kirkhope, Silvia Costa, Nathalie Griesbeck, Jean Lambert

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 common languages, and that it shall be made available on the Agency's website and in hardcopy during all activities of the Agency. *Special information tailored to children shall be provided in a clear and child-friendly way to facilitate their access to the complaints mechanism.* Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Or. en

Amendment 1152

Ska Keller

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*

Amendment

The Agency shall ensure that *people are informed about the possibility and procedure to make complaint, or use other*

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.

legal remedies, including recourse to the Court of Justice of the European Union or other regional and international bodies and to legal aid, 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, *and that 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.* Complaints shall be considered by the Fundamental Rights Officer even when they are not submitted in the standardized complaint form.

Or. en

Amendment 1153

Helga Stevens, Monica Macovei, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

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 *the official languages of the European Union* 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 1154

Ska Keller

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 1

Text proposed by the Commission

Any personal data contained in a complaint shall be handled and processed by the Agency and the Fundamental Rights Officer in accordance with Regulation (EC) No 45/2001 and by Member States in accordance with Directive 95/46/EC and Council Framework Decision 2008/977/JHA.

Amendment

Any personal data contained in a complaint shall be handled and processed by the Agency and the Fundamental Rights Officer in accordance with Regulation (EC) No 45/2001 and by Member States in accordance with Directive 95/46/EC and, ***where the data are processed by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, in accordance with*** Council Framework Decision 2008/977/JHA.

Or. en

Amendment 1155

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 1

Text proposed by the Commission

Any personal data contained in a complaint shall be handled and processed by the Agency and the Fundamental Rights Officer in accordance with Regulation (EC) No 45/2001 and by Member States in accordance with Directive 95/46/EC and Council Framework Decision 2008/977/JHA.

Amendment

Any personal data contained in a complaint shall be handled and processed by the Agency and the Fundamental Rights Officer in accordance with Regulation (EC) No 45/2001 and by Member States in accordance with Directive 95/46/EC and Council Framework Decision 2008/977/JHA. ***With due respect to data protection standards and obligations, independence in the handling of complaints shall be guaranteed through the oversight of relevant institutions such as the office of the European Ombudsman.***

Amendment 1156

Ska Keller

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 2

Text proposed by the Commission

Amendment

The submission of the complaint is understood as the complainant consenting to the processing of his or her personal data in the meaning of point (d) of Article 5 of Regulation (EC) No 45/2001 by the Agency and the Fundamental Rights Officer.

deleted

Or. en

Amendment 1157

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 3

Text proposed by the Commission

Amendment

In order to safeguard the interest of the complainants, complaints shall be dealt with confidentially unless the complainant waives his or her right to confidentiality. For complainants who waive their right to confidentiality, it is understood that he or she consents to the Fundamental Rights Officer or the Agency disclosing his or her identity in relation to the matter under complaint.

In order to safeguard the interest of the complainants, complaints shall be dealt with confidentially unless the complainant waives his or her right to confidentiality. ***Any waivers of confidentiality shall be valid only where given freely by a specific, informed and unambiguous indication of the complainant's wishes. The Agency shall be able to demonstrate that the confidentiality was waived.*** For complainants who waive their right to confidentiality, it is understood that he or she consents to the Fundamental Rights Officer or the Agency disclosing his or her identity ***to the competent authority and the relevant authority or body competent for***

fundamental rights of the relevant Member State in relation to the matter under complaint.

Or. en

Amendment 1158

Ska Keller

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 3

Text proposed by the Commission

In order to safeguard the interest of the complainants, complaints shall be dealt with confidentially unless the complainant waives his or her right to confidentiality. For complainants who waive their right to confidentiality, it is understood that he or she consents to the Fundamental Rights Officer or the Agency disclosing his or her identity in relation to the matter under complaint.

Amendment

In order to safeguard the interest of the complainants, complaints shall be dealt with confidentially unless the complainant waives his or her right to confidentiality. ***Any waiver of confidentiality shall be valid only where given by a freely given, specific, informed and unambiguous indication of the complainant's wishes. The Agency shall be able to demonstrate that the confidentiality was waived.*** For complainants who waive their right to confidentiality, it is understood that he or she consents to the Fundamental Rights Officer or the Agency disclosing his or her identity ***to the competent authority and the relevant authority or body competent for fundamental rights of the relevant Member State*** in relation to the matter under complaint.

Or. en

Amendment 1159

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel

Proposal for a regulation

Article 72 – paragraph 10 – subparagraph 3 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Data protection rights and related complaints shall be dealt with by the Data Protection Officer in accordance with Article 44 (1). Where there is uncertainty regarding responsibility for a specific complaint, that responsibility shall be determined on the basis of a written understanding between the Fundamental Rights Officer and the Data Protection Officer.

Or. en

Amendment 1160
Ska Keller

Proposal for a regulation
Article 72 a (new)

Text proposed by the Commission

Amendment

Article 72a

Respective roles of the Fundamental Rights Officer and the Data Protection Officer

1. Data protection rights and related complaints submitted by data subjects shall be dealt with separately by the Data Protection Officer established in accordance with Article 44(1) of this Regulation.

2. The Fundamental Rights Officer and the Data Protection Officer shall establish, in written, a Memorandum of Understanding specifying their division of tasks as regards complaints received.

Or. en

Amendment 1161
Ska Keller

Proposal for a regulation
Article 74 – paragraph 2

Text proposed by the Commission

2. The Agency *may* communicate on its own initiative in the fields within its mission. It shall make public the consolidated annual activity report referred to in Article 61(1)(d) and ensure in particular that the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.

Amendment

2. The Agency *shall* communicate on its own initiative in the fields within its mission. It shall make public *relevant information such as* the consolidated annual activity report referred to in Article 61(1)(d), *the annual work programme, the Code of Conducts, the risk analyses, detailed descriptions of past and current joint operation, rapid border intervention, pilot project, migration management support teams, return operation or return intervention, including in third countries, work arrangements with third countries or other EU Agencies* and ensure in particular that the public and any interested party are rapidly given objective, *detailed*, reliable and easily understandable information with regard to its work.

Or. en

Amendment 1162
Ska Keller

Proposal for a regulation
Article 74 a (new)

Text proposed by the Commission

Amendment

Article 74a

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. The Executive Director shall report in writing on the main activities of the Authority to the European Parliament when requested and at least 5 days before making the report referred to in paragraph 1.

3. 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.

4. The Commission shall forward all official documents of the Agency, including inter alia vulnerability assessments, operational plans and evaluations thereof, without delay to the European Parliament. Confidential information within the meaning of Annex 2 of the Interinstitutional Agreement between the European Parliament and the Commission shall be dealt with according to this Agreement. All members of the Parliament shall get access to these documents.

Or. en

Justification

The Agency provides significantly more information to the Council than the Parliament. The Council frequently receives documents which the Parliament never gets. This should change. MEPs should get access to all official documents of the Agency. Likewise, the rights of the Parliament to request reports by the Agency should be strengthened, along the lines of the ESMA Resolution establishing an agency related to the Banking Union which has similar powers to the Border and Coast Guard Agency.

Amendment 1163
Ska Keller

Proposal for a regulation
Article 75 – paragraph 13 a (new)

Text proposed by the Commission

Amendment

13a. The budget, including the establishment plan, shall include sufficient financing of the Fundamental Rights Strategy and the Fundamental Rights Officer amounting to at least 5% of the overall budget.

Or. en

Amendment 1164
Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation
Article 76 – paragraph 3

Text proposed by the Commission

Amendment

3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council and the Court of Auditors by 31 March of year N + 1.

3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council and the Court of Auditors by 31 March of year N + 1. ***That report shall indicate the expenditure of the Agency with reference to each of the elements of European Integrated Border Management as set out in Article 4.***

Or. en

Amendment 1165
Artis Pabriks, Monika Hohlmeier, Jeroen Lenaers, Kinga Gál

Proposal for a regulation
Article 79

Text proposed by the Commission

Amendment

Article 79

deleted

Committee Procedure

1. The Commission shall be assisted by the committee established by Article 33a of Regulation (EC) No 562/2006. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or two-thirds of the committee members so request.

4. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

5. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Or. en

Amendment 1166
Marina Albiol Guzmán

Proposal for a regulation
Article 79

Text proposed by the Commission

Amendment

Article 79

deleted

Committee Procedure

1. The Commission shall be assisted by the committee established by Article 33a of Regulation (EC) No 562/2006. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or two-thirds of the committee members so request.

4. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

5. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Or. en

Amendment 1167
Ska Keller

Proposal for a regulation
Article 79 – paragraph 5

Text proposed by the Commission

Amendment

5. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

deleted

Or. en

Justification

No urgent procedure necessary.

Amendment 1168
Ska Keller

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 ***independent*** 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. ***The evaluation shall be carried out by an independent external contractor or body.***

Or. en

Amendment 1169
Alessandra Mussolini, Salvatore Domenico Pogliese

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. it

Amendment 1170

Helga Stevens, Monica Macovei, Geoffrey Van Orden, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

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 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.

Or. en

Amendment 1171

Ignazio Corrao, Laura Agea, Laura Ferrara

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 **publish** 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. ***The evaluation shall be carried out by an independent external contractor or body.***

Amendment 1172

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

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.

deleted

Amendment 1173

Ska Keller

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 ***and respective Union legislation*** was complied with in the application of this Regulation. ***This analysis shall be carried out in cooperation with the Agency for Fundamental Rights and in consultation with the Consultative Forum.***

Amendment 1174

Ska Keller

Proposal for a regulation

Article 80 – paragraph 2

Text proposed by the Commission

2. The Commission shall send the evaluation report ***together with*** its conclusions on the report, to the European Parliament, the Council and the Management Board. The evaluation report and the conclusions on the report shall be made public.

Amendment

2. The Commission shall send ***without delay*** the evaluation report ***and*** its conclusions on the report, to the European Parliament, the Council and the Management Board. The evaluation report and the conclusions on the report shall be made public.

Or. en

Amendment 1175

Ska Keller

Proposal for a regulation

Article 80 – paragraph 3

Text proposed by the Commission

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***.

Amendment

3. The Commission shall assess the results achieved by the Agency having regard to its objectives, mandate, ***tasks and compliance with the Charter of Fundamental Rights***.

Or. en