



2015/0307(COD)

29.4.2016

AMENDMENTS

24 - 122

Draft report
Monica Macovei
(PE578.659v01-00)

Reinforcement of checks against relevant databases at external borders

Proposal for a regulation
(COM(2015)0670 – C8-0407/2015 – 2015/0307(COD))

Amendment 24
Marie-Christine Vergiat

Proposal for a regulation

—

Proposal for rejection

The European Parliament rejects the Commission Proposal.

Or. fr

Amendment 25
Marie-Christine Vergiat

Draft legislative resolution
Paragraph 2

Draft legislative resolution

2. Calls on the Commission to refer the matter to Parliament again if it intends to ***amend*** its proposal ***substantially or replace it*** with another text;

Amendment

2. Calls on the Commission to refer the matter to Parliament again if it intends to ***replace*** its proposal with another text;

Or. fr

Amendment 26
Ulrike Lunacek

Draft legislative resolution
Paragraph 2 a (new)

Draft legislative resolution

2a. Deplores the lack of proper impact assessment during the preparation of the Commission proposal;

Or. en

Amendment 27

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. **One of** the purposes of such controls **is to prevent** any threat to the Member States' internal security and **public policy**, irrespectively of the origin of such threat.

Amendment

(1) Control at external borders remains one of the main safeguards of the **Schengen** area without controls at internal borders. It is carried out in the interest of all **the** Member States **which have abolished internal border controls**. The purposes of such controls **notably include helping to combat illegal immigration and trafficking in human beings, and preventing** any threat to the Member States' **public policy, public health, international relations** and internal security, irrespectively of the origin of such threat.

Or. fr

Justification

Recital 6 of the Schengen Borders Code (Regulation 562/2006): 'Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations.'

Amendment 28

Tanja Fajon, Juan Fernando López Aguilar

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public

Amendment

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public

policy, *irrespectively* of the origin of such threat.

policy, *irrespective* of the origin of such threat, *including where such threats derive from Union citizens*.

Or. en

Amendment 29

Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Control *at* external borders *remains one of the main safeguards* of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, *irrespectively* of the origin of such threat.

Amendment

(1) *The* control *of* external borders *is the most efficient way to guarantee the sustainability* of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, *irrespectively* of the origin of such threat.

Or. en

Amendment 30

Barbara Kudrycka, Agustín Díaz de Mera García Consuegra, Rachida Dati, Monika Hohlmeier, Brice Hortefeux, Carlos Coelho

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Control *at* external borders remains one of the main safeguards of the *area without controls at internal borders*. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, *irrespectively* of the origin of such threat.

Amendment

(1) Control *and protection of* external borders remains one of the main safeguards of the *Union*. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, *irrespectively* of the origin of such threat.

Amendment 31
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) It is essential to take into account the Universal Declaration of Human Rights.

Or. fr

Amendment 32
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) It is essential to take into account the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and the protocols thereto.

Or. fr

Amendment 33
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) It is essential to take into account the Convention on the Elimination of All

*Forms of Discrimination against Women
(CEDAW) of 18 December 1979 and the
protocol thereto.*

Or. fr

Amendment 34
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 d (new)

Text proposed by the Commission

Amendment

*(1d) It is essential to take into account
Regulation (EC) No 45/2001 of the
European Parliament and of the Council
of 18 December 2000^{1a}.*

*^{1a} Regulation (EC) No 45/2001 of the
European Parliament and of the Council
of 18 December 2000 on the protection of
individuals with regard to the processing
of personal data by the Community
institutions and bodies and on the free
movement of such data, OJ L 8,
12.1.2001, p. 1.*

Or. fr

Amendment 35
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 e (new)

Text proposed by the Commission

Amendment

*(1e) It is essential to take into account
Article 2 of the Treaty on European
Union.*

Or. fr

Amendment 36
Marie-Christine Vergiat

Proposal for a regulation
Recital 1 f (new)

Text proposed by the Commission

Amendment

(1f) It is essential to take into account the Convention on Human Rights and Fundamental Freedoms.

Or. fr

Amendment 37
Marie-Christine Vergiat

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

deleted

Or. fr

Amendment 38
Tanja Fajon, Juan Fernando López Aguilar, Josef Weidenholzer

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

deleted

Amendment 39

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) *The* phenomenon of foreign terrorist fighters, many of whom are Union citizens, *demonstrates* the necessity to strengthen the checks at external borders with regard to Union citizens.

Amendment

(2) *Although minimal systematic checks based on a simple and quick examination of the validity of the travel document is currently the rule for persons enjoying the right of free movement under EU law, the* phenomenon of foreign terrorist fighters, many of whom are Union citizens, *and developments in organised crime demonstrate* the necessity to strengthen the checks at external borders with regard to Union citizens.

Or. fr

Amendment 40

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.

Amendment

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens *by checking biometric identifiers and consulting the available databases.*

Or. fr

Amendment 41

Marie-Christine Vergiat

**Proposal for a regulation
Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) The need to fight terrorism should not undermine the rights and freedoms of EU citizens or third-country nationals. Border checks should only be carried out in strict compliance with the principles of proportionality and necessity. They should be carried out on the basis of a rigorous risk analysis and with respect for fundamental rights, in particular the right to privacy.

Or. fr

Amendment 42

Gérard Deprez, Louis Michel, Petr Ježek

**Proposal for a regulation
Recital 3**

Text proposed by the Commission

Amendment

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity. ***To that end, the Member States must ensure that there is an electronic connection to Interpol's Stolen and Lost Travel Documents (SLTD) database at external border crossing points.***

Or. fr

Justification

Note from the Council - EU Counter-Terrorism Coordinator: Systematic feeding and consistent use of European and International Databases 7726/16 underlines the fact there are still Member States that don't have electronic connection to the SLTD at external border crossing points, which does not allow systematic checks of the SLTD database at external borders and so systematic checks of the validity of travel documents of travellers.

Amendment 43

Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Amendment

(3) The documents of persons enjoying the right of free movement under Union law, ***including third-country nationals***, should therefore be checked systematically, ***on entry into and on exit from the territory of the Union***, against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Or. en

Amendment 44

Marie-Christine Vergiat

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The documents of persons enjoying the right of free movement under Union law ***should therefore*** be checked ***systematically*** against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid ***that*** persons ***hide*** their real identity.

Amendment

(3) The documents of persons enjoying the right of free movement under Union law ***may*** be checked against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid persons ***hiding*** their real identity, ***to the extent permitted by the principles of necessity and***

proportionality.

Or. fr

Amendment 45

Tanja Fajon, Juan Fernando López Aguilar, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Amendment

(3) The documents of persons enjoying the right of free movement under Union law should therefore, *as a general rule*, be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Or. en

Amendment 46

Monica Macovei

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Amendment

(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, *fraudulent*, lost and invalidated travel documents in order to avoid that persons hide their real identity.

Or. en

Amendment 47

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Amendment

(4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy. ***To that end, the Member States should ensure that their border guards have access to the relevant national and European data banks, including the Schengen Information System (SIS) and the Europol Information System (EIS).***

Or. fr

Justification

In January 2016, the Europol Information System contained the names of 86 629 individuals suspected or convicted in criminal cases, including the names of 1 615 foreign terrorist fighters (FTF).

Amendment 48

Marie-Christine Vergiat

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Border guards ***should*** for the same reason also ***systematically*** check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Amendment

(4) Border guards ***may*** for the same reason also check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy ***on the basis of objective information and avoiding, in particular, checks which are based on ethnicity or***

might be regarded as such.

Or. fr

Amendment 49

Tanja Fajon, Juan Fernando López Aguilar, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Amendment

(4) Border guards should for the same reason also, ***as a general rule,*** systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.

Or. en

Amendment 50

Monica Macovei

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. ***Automatic border control gates should be installed. The use of passenger information received in accordance with Council Directive 2004/82/EC^{7a}, or with other Union or national law, may also contribute to speeding up the process of required controls during the border-crossing process.*** It is therefore possible

systematic checks at *land and sea* borders were to have a disproportionate impact on the flow of traffic at the border, Member States *should* be allowed *not* to carry out *systematic* checks against *databases but only if* based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ *and* be the subject of regular reporting both to the Commission and to the Agency.

without *disproportionate* negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at *the external* borders were to have a disproportionate impact on the flow of traffic at the border, Member States *concerned should be able* to carry out *targeted* checks against *all relevant databases*, based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be *based on a set of criteria and clear indicators to be developed by the Commission in close cooperation with the Council and the EU Counter-Terrorism Coordinator, not later than one month after the date of entry into force of this Regulation. The risk analysis should be immediately* transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸, *to the Commission and to any Member States with shared borders. The risk analysis should also* be the subject of regular reporting both to the Commission and to the Agency. *The derogation should, however, apply only for a limited transitional period regarding air borders. As regards land and sea borders, the derogation should not apply for longer than strictly necessary and, in any event, for no longer than three months in any year.*

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a

^{7a} Council Directive of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union (OJ L 349, 25.11.2004, p. 1).

Or. en

Amendment 51
Marie-Christine Vergiat

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) ***Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk.*** Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

Amendment

(5) ***The checks should only be carried out on the basis of a risk assessment showing that such a measure is necessary.*** Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency. ***In any event, they should not delay border crossings and therefore a sufficient number of ad hoc staff should be deployed. Such staff must be given training in human rights, in particular on respect for the rules on data protection and the right to privacy.***

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. fr

Amendment 52

Tanja Fajon, Juan Fernando López Aguilar, Josef Weidenholzer

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases ***without delaying*** the process of crossing the border, as the controls on documents and persons can be carried out in parallel. ***It is therefore possible without negative effect on persons travelling in good faith to strengthen*** checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. ***Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No***

Amendment

(5) Technological developments allow in principle to consult relevant databases ***with a minimum delay to*** the process of crossing the border, as the controls on documents and persons can be carried out in parallel. ***However, strengthening*** checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest ***could have a negative effect on persons travelling in good faith. Nevertheless, as a general rule, systematic checks should be carried out at all*** external borders.

2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ *Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).*

Or. en

Amendment 53

Barbara Kudrycka, Agustín Díaz de Mera García Consuegra, Rachida Dati, Monika Hohlmeier, Brice Hortefeux

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is *therefore* possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. ***Therefore, synergies and convergence between information systems and their corresponding infrastructure for Union border management and for customs operations should be structurally improved by making data management in the Union more effective, efficient, interoperable and compatible, with full respect for data protection requirements, in order to better protect the external borders and enhance the internal security of the Union, for the benefit of all citizens.*** It is *also* possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject

Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. en

Amendment 54
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to

better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. ***To that end, the installation of smart borders with automatic control gates and the development of interoperability and interconnectivity of information systems are needed.***

Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. fr

Justification

Communication COM (2016)205: Stronger and Smarter Information Systems for Borders and Security

Amendment 55

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

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. ***Systematic checks should be carried out at all external borders. However, if systematic checks at land and sea borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk*** assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Amendment

(5) Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible without negative effect on persons travelling in good faith to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. ***In addition to minimum checks carried out in order to establish the identities of persons crossing the border, targeted or*** systematic checks ***should be carried out at the external borders, depending on the results of a mandatory analysis of the security risks and the impact on the flow of traffic. Such*** assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting both to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. en

Amendment 56
Ulrike Lunacek

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Technological developments allow in principle to consult relevant databases ***without delaying*** the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible ***without negative effect on persons travelling in good faith*** to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks ***at land and sea borders*** were to ***have a*** disproportionate ***impact on the flow of traffic at the border***, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting ***both*** to the Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Amendment

(5) Technological developments allow in principle to consult relevant databases ***with a limited effect on the duration of*** the process of crossing the border, as the controls on documents and persons can be carried out in parallel. It is therefore possible to strengthen checks at external borders to better identify those persons who intend to hide their real identity or who are subject to relevant alerts for security reasons or for arrest. Systematic checks should be carried out at all external borders. However, if systematic checks were to ***be*** disproportionate, Member States should be allowed not to carry out systematic checks against databases ***at specified border crossing-points*** but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004⁸ and be the subject of regular reporting to the ***European Parliament, to the*** Commission and to the Agency.

⁸ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

Or. en

Amendment 57

Liisa Jaakonsaari, Tanja Fajon

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) It should be possible for border guards to decide not to check relevant databases regarding a person enjoying the right of free movement under Union law if it can be clearly assessed that that person does not jeopardise the internal security of any of the Member States. Such persons could include, inter alia, children under the age of 12 and minors accompanied by parents; school pupils when travelling on organised excursions; elderly persons when travelling in an organised manner; pilots of aircraft and other crew members; Heads of State or government and the members of their delegation(s); holders of diplomatic, official or service passports and members of international organisations; rescue services, police and fire brigades and border guards; offshore workers; holders of permits required by national law in accordance with specific Member States' arrangements in bilateral agreements as referred to in point (a) of Article 4(2) of the Regulation (EU) 562/2006 of the European Parliament and of the Council^{1a} ;

^{1a} Regulation (EU) 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 58
Monica Macovei

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) Where a Member State intends to carry out targeted checks and consultations regarding persons enjoying the right of free movement under Union law, it should notify the other Member States, the Agency and the Commission without delay. The Commission should develop, no later than one month from the date of entry into force of this Regulation, a procedure for this notification, in cooperation with the Member States, in the context of the Schengen Borders Code Handbook.

Or. en

Amendment 59
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Where a Member State conducts targeted rather than systematic checks, it should make use of the common risk indicators for foreign terrorist fighters established by the Commission and the guidelines drawn up by Frontex.

Or. fr

Justification

Following the statement on combating terrorism by the informal European Council of 12 February 2015 and the Council Presidency conclusions of March 2015 emphasising the need to step up checks on EU citizens at external borders, the Commission drew up an initial list of common risk indicators for foreign terrorist fighters. This list was finalised in June 2015 and the Practical Handbook for Border Guards was also adapted in June 2015 so as to apply those indicators directly at the external borders.

Amendment 60

Tanja Fajon, Juan Fernando López Aguilar, Péter Niedermüller, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) However, should systematic checks at external borders have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against relevant databases if, on the basis of a risk assessment, it is found that such a relaxation of checks would not lead to a security risk. Such risk assessments should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (the Agency) established by Council Regulation (EC) No 2007/2004^{1a} and be the subject of regular reporting both to the Commission and to the Agency.

^{1a} Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

Or. en

Amendment 61
Rachida Dati, Brice Hortefeux

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, *in case of doubts* on the authenticity of the passport or on the identity of its holder.

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Amendment

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore *systematically* verify these biometric identifiers on the authenticity of the passport or on the identity of its holder. *The same verification should apply, where possible, to third-country nationals.*

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Or. fr

Amendment 62
Marie-Christine Vergiat

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens.

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Amendment

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens.

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These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport.
Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport, ***and verification should always be carried out with due respect for data protection rules.***

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Or. fr

Amendment 63

Gérard Deprez, Louis Michel, Petr Ježek, Sophia in 't Veld

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Border checks should be carried out in such a way as to fully respect human dignity. Border control should be carried out in a professional and respectful manner and be proportionate to the objectives pursued.

Or. fr

Justification

Brings the text into line with recital 7 of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Amendment 64

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Many identity cards produced by the Member States do not, however, have any security features such as the facial image or fingerprints. In order to make it possible for this systematic verification to be carried out on travel documents other than passports, but also with internal security issues in mind, the Commission should take swift action to propose the establishment of common standards for the security features and biometrics that are to be included in identity cards issued by the Member States.

Or. fr

Justification

Dans sa communication: "Stronger and Smarter Information System for Borders and security" du 6 avril 2016, la commission prévoit de présenter des mesures pour améliorer la sécurité électronique des documents et la gestion des cartes d'identités. En effet, il existe de nombreuses destinations hors espace Schengen vers lesquelles un citoyen de l'Union peut se rendre avec une simple carte d'identité. C'est le cas pour l'Irlande, la Grande-Bretagne mais aussi le Maroc, la Tunisie et d'autres pays dans le cadre de voyage organisé par un tours opérateur. De plus, on constate une hausse de l'utilisation de fausses cartes d'identité par des réseaux criminels organisés ou dans un but d'immigration illégale. Or, les nouveaux portiques électroniques aux frontières permettant le contrôle rapide des données biométriques ne fonctionnent pas avec les cartes d'identités car celles-ci ne contiennent bien souvent aucun de ces éléments.

Amendment 65
Ulrike Lunacek

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament

(7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament

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and of the Council¹⁰ .

and of the Council¹⁰ *and should not jeopardise the right of entry of persons enjoying the right of free movement under Union law into the territory of the Member State concerned.*

¹⁰ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

¹⁰ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

Or. en

Amendment 66

Barbara Kudrycka, Agustín Díaz de Mera García Consuegra, Rachida Dati, Monika Hohlmeier, Brice Hortefeux, Carlos Coelho

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Member States should exchange data, regularly update their existing relevant databases, make full use of existing information systems and establish the necessary technical connections to all information systems and databases, in accordance with their legal bases and obligations. Member States should, in this regard, exchange best practices with each other.

Or. en

Amendment 67

Monica Macovei

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Member States **are** obliged to check systematically third country nationals against all **databases on entry. It should be ensured that such checks are also carried out systematically on exit.**

Amendment

(8) Member States **should be** obliged to check systematically third country nationals against all **relevant available databases, both on entry and exit.**

Or. en

Amendment 68
Marie-Christine Vergiat

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Member States **are obliged to** check systematically **third country** nationals **against all databases on entry. It should be ensured that** such checks are **also carried out systematically on exit.**

Amendment

(8) Member States **which** check systematically **third-country** nationals on entry **or exit** should **justify** such checks **with regard to a risk analysis showing that the measures are necessary.**

Or. fr

Amendment 69
Marie-Christine Vergiat

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, **namely reinforcing the** checks against databases at external borders **in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better**

Amendment

(9) Since the objective of this Regulation **is to improve proportionate and necessary** checks against databases at external borders, the Union may adopt measures in accordance with the **subsidiarity** principle set out in Article 5 of the Treaty on European Union. In **order for these checks to produce the best result as regards the sound functioning of the external borders of the Union, while**

achieved at Union level, the Union may adopt measures, in accordance with the principle *of subsidiarity as* set out in Article 5 of the Treaty on European Union. In *accordance with the principle* of proportionality, *as set out in that Article, this Regulation does not go beyond what* is necessary *in order to achieve those objectives*.

respecting the principles of necessity and proportionality in fundamental rights, an impact assessment is necessary.

Or. fr

Amendment 70
Josef Weidenholzer

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, namely *reinforcing* the checks against databases at external borders *in reply in particular to the increase of the terrorist threat* concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment

(9) Since the objective of this Regulation, namely *improving* the checks against databases at external borders, concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. de

Amendment 71
Barbara Kudrycka, Rachida Dati, Monika Hohlmeier, Brice Hortefeux, Carlos Coelho

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment

(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders **of the European Union** in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 72

Barbara Kudrycka, Agustín Díaz de Mera García Consuegra, Rachida Dati, Monika Hohlmeier, Brice Hortefeux

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) For the purpose of maximising the benefits of existing information systems and, if necessary, develop new and complementary actions to address gaps and improve the interoperability of information systems and to ensure effective border controls at the external borders, Member States according to their needs should receive financial support

from the Commission.

Or. en

Amendment 73
Monika Hohlmeier

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) For the purpose of maximising the benefits of existing information systems and, if necessary, develop new and complementary actions to address gaps and improve the interoperability of information systems and to ensure effective border controls at the external borders, Member States according to their needs should receive financial support from the budget of the Union.

Or. en

Amendment 74
Timothy Kirkhope

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The application of this Regulation should take into account the existing arrangements for Gibraltar with regard to border crossings with Spain, whilst fully respecting the non-participation of the United Kingdom in the Schengen area. There should not be a disproportionate impact on the flow of traffic at the border or freedom of movement as a consequence of this Regulation.

Amendment 75

Barbara Kudrycka, Rachida Dati, Monika Hohlmeier, Brice Hortefeux, Carlos Coelho

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Member States that are not in the Schengen area and whose borders constitute the external borders should be fully integrated into the Schengen Information System in order to conduct better border management and help preserve the security of the Union.

Or. en

Amendment 76

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – introductory wording

Text proposed by the Commission

Amendment

(2) On entry and on exit, persons enjoying the right of free movement under Union law shall be subject to the following checks:

(2) On entry and on exit, persons enjoying the right of free movement under Union law shall ***at least*** be subject to ***a minimum check in order to establish their identities on the basis of the production or presentation of their travel documents. That minimum check shall consist of a rapid and straightforward verification.***

In addition, the following checks shall take place on a targeted or systematic basis, depending on the results of a mandatory Member State assessment of the security risks and the impact on the

flow of traffic:

Or. en

Amendment 77

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – introductory wording

Text proposed by the Commission

Amendment

2. On entry *and on exit, persons enjoying the right of free movement under Union law shall* be subject to the following checks:

2. On entry, *third-country nationals may* be subject to the following checks:

Or. fr

Amendment 78

Tanja Fajon, Juan Fernando López Aguilar, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – introductory wording

Text proposed by the Commission

Amendment

(2) On entry and on exit, persons enjoying the right of free movement under Union law shall be subject to the following checks:

(2) On entry and on exit, persons enjoying the right of free movement under Union law shall, *as a general rule*, be subject to the following checks:

Or. en

Amendment 79

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point a – introductory wording

Text proposed by the Commission

(a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting the relevant databases, ***in particular***:

Amendment

(a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting the relevant databases, ***which must include***:

Or. fr

Amendment 80

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point a – introductory wording

Text proposed by the Commission

(a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting ***the relevant databases, in particular***:

Amendment

(a) verification of the identity and the nationality of the person and the validity and authenticity of the travel document, by consulting:

Or. en

Amendment 81

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point a – introductory wording

Text proposed by the Commission

(a) verification of the identity and the nationality of the person and the validity

Amendment

(a) verification of the identity and the nationality of the person and the validity

and authenticity of the travel document, by consulting the relevant databases, *in particular*:

and authenticity of the travel document, by consulting the relevant databases:

Or. fr

Amendment 82
Ulrike Lunacek

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – point a – point 2

Text proposed by the Commission

Amendment

(2) *the Interpol database on stolen and lost travel documents;* *deleted*

Or. en

Justification

Data on stolen, misappropriated, lost or invalidated identity papers sought for the purposes of seizure or use as evidence in criminal proceedings shall be entered in SIS II in accordance with Article 38(2)(e) of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)

Amendment 83
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a – point 3
Regulation (EC) No 562/2006
article 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(3) national databases containing information on stolen, misappropriated, lost and invalidated travel documents

(3) national databases containing information on stolen, misappropriated, *fraudulent*, lost and invalidated travel documents

Amendment 84

Barbara Kudrycka, Rachida Dati, Monika Hohlmeier, Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 1–paragraph 2 – point a – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) the European Criminal Records Information System.

Amendment 85

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, ***including*** by consulting ***the relevant Union and national databases, in particular*** the Schengen Information System.

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, by consulting the Schengen Information System.

Amendment 86

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union **and national** databases, in particular the Schengen Information System.

Amendment

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union, **national and international** databases, in particular the Schengen Information System.

Or. en

Amendment 87

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union and national databases, **in particular** the Schengen Information System.

Amendment

(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union and national databases, **which must include** the Schengen Information System.

Or. fr

Amendment 88

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks shall include the verification of the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Amendment

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks shall include the verification of the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*. ***If possible, this verification of biometric identifiers shall also be carried out for other travel documents which are not covered by this Regulation, including identity cards.***

Or. fr

Amendment 89

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks ***shall*** include the verification of the biometric identifiers integrated in the passports ***and travel documents issued in accordance with Council Regulation (EC) No 2252/2004****.

Amendment

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks ***may*** include the verification of the biometric identifiers integrated in the passports.

Or. fr

Amendment 90

Ulrike Lunacek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks shall include the verification of the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Amendment

Where there is doubt on the authenticity of the travel document or on the identity of its holder, the checks shall include the verification of **one of** the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Or. en

Amendment 91

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where there is doubt on the authenticity of the travel document or on the identity of its holder, **the checks** shall include the verification of the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Amendment

Checks on the authenticity of the travel document or on the identity of its holder shall include the **systematic** verification of the biometric identifiers integrated in the passports and travel documents issued in accordance with Council Regulation (EC) No 2252/2004*.

Or. fr

Amendment 92

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

On entry or exit, when crossing an external border of the Schengen area which is shared between several Member States or Member State territories persons enjoying freedom of movement under EU law, in particular Directive 2004/38/EC, shall undergo a minimum check intended to establish their identity on the basis of the production or presentation of their travel documents.

Or. fr

Justification

Directive 2004/38/EC governs the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. Many EU citizens thus cross every day external borders of the Schengen area which are borders between two Member States. In order to ensure that travellers are not delayed too much at borders, checks should be kept to a minimum, as provided for in Article 7 before the regulation was modified.

Amendment 93

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

On entry and exit, only minimum checks to establish their identities on the basis of the production or presentation of travel documents shall be applied to persons enjoying the right to free movement under Union law, in particular under Directive 2004/38/EC, when crossing an external Schengen border that is shared between Member States or different parts of the Union. Those minimum checks shall consist of a rapid and straightforward

verification.

Or. en

Amendment 94
Ulrike Lunacek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The consequences of the checks referred to in points (a) and (b) of the first subparagraph shall not jeopardise the right of entry of persons enjoying the right of free movement under Union law into the territory of the Member State concerned as laid down in Directive 2004/38/EC.

Or. en

Amendment 95
Liisa Jaakonsaari, Tanja Fajon

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Border guards may decide not to check the relevant databases regarding a person enjoying the right of free movement under Union law if it can be clearly assessed that that person does not jeopardise the internal security of any of the Member States.

Or. en

Amendment 96
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a (new)
Regulation (EC) No 562/2006
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where a Member State temporarily reintroduces internal border controls, pursuant to the provisions of Chapter II of Title III, it should, where appropriate, consider applying systematic checks in the same way as for external border controls.*

Or. en

Amendment 97
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Where, ***at external land and sea borders, the checks*** referred to in points ***a) and b) of the first subparagraph*** would have a disproportionate impact on the flow of traffic, Member States may carry out those ***checks*** on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

2b. Where ***the consultation of the databases*** referred to in points ***(a) and (b) of paragraph 2*** would have a disproportionate impact on the flow of traffic, Member States may ***decide to*** carry out those ***consultations*** on a targeted basis ***at specified border crossing points*** based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

The scope and duration of the temporary introduction of targeted checks shall not exceed what is strictly necessary and shall

be defined in accordance with a risk assessment carried out by the Member State concerned. The risk assessment shall be based on a set of criteria and clear indicators which shall be developed by the Commission in close cooperation with the Council and the EU Counter-Terrorism Coordinator, by [one month after the entry into force of this Regulation]. The risk assessment shall provide the reasons for the temporary introduction of targeted checks and shall take into account, inter alia, the disproportionate impact on the flow of traffic. The risk assessment shall assess the possible risks and provide statistics on passengers and incidents related to cross-border crime. The risk assessment shall be updated regularly.

As regards land and sea borders, the derogation shall not apply for longer than three months in any year.

The Member State concerned shall without delay transmit its risk assessment and any updates thereto to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and to the Commission and shall report every three months to the Commission and to the Agency on the application of the checks carried out on a targeted basis. The Member State concerned may classify the risk assessment or parts thereof.

Or. en

Amendment 98

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Amendment

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health. ***The duration and location of these checks must not go beyond what is strictly necessary for the purposes of risk assessment.***

Or. fr

Amendment 99

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Amendment

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health. ***The minimum check intended to establish identity on the basis of production or presentation of travel documents shall still apply, however.***

Or. fr

Justification

As provided for in Article 7(2) of the current Schengen Borders Code, all persons must undergo a minimum check consisting of a rapid and straightforward verification of the validity of the document authorising the legitimate holder to cross the border and of the presence of signs of falsification or counterfeiting. This check is necessary even if only to establish the nationality of the person crossing the border.

Amendment 100

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Amendment

Member States shall carry out checks either on a targeted or a systematic basis, depending on the results of a mandatory assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health, and the impact on the flow of traffic.

Or. en

Amendment 101

Ulrike Lunacek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where, *at external land and sea borders*, the checks referred to in points a) and b) of the first subparagraph would *have a*

Amendment

Where the checks referred to in points a) and b) of the first subparagraph would *be* disproportionate, Member States may

disproportionate *impact on the flow of traffic*, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

decide to carry out those checks on a *non-systematic* targeted basis *at specified border crossing points* based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Or. en

Amendment 102

Tanja Fajon, Juan Fernando López Aguilar, Péter Niedermüller, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where, at *external land and sea* borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Amendment

Where, at *the external* borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Or. en

Amendment 103

Ulrike Lunacek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Where border control at internal borders is reintroduced, and the relevant provisions of Title II are applicable in accordance with Article 28, Member States shall carry out the checks referred to in points (a) and (b) of the first subparagraph on a non-systematic targeted basis based on an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

Or. en

Amendment 104

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

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Each Member State shall transmit its *risk* assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis.

Amendment

Each Member State shall transmit its *security risk and traffic flow* assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted *or systematic* basis.

The Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and the Commission shall transmit their respective evaluations of a Member State's initial assessment and subsequent reports to all Member States, indicating whether or not they deem the Member State concerned to have

conducted an appropriate security risk and traffic flow analysis, and whether or not the Member State concerned has appropriately decided to apply targeted or systematic checks on the basis of that analysis.

Or. en

Amendment 105

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Each Member State shall transmit its risk assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis.

Amendment

Each Member State shall transmit its risk assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis. ***The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by means of Regulation (EC) No 2007/2004 shall take account of these reports when it carries out an assessment of the vulnerability of a Member State and may include among the corrective measures the Member State in question is required to take the reintroduction of systematic checks.***

Or. fr

Justification

In accordance with Article 12 of the regulation establishing it, the new European Border and Coast Guard Agency has the task of conducting assessments of the vulnerability of Member

States and may draw up a list of corrective measures which the Member State in question must take. It should be possible for these corrective measures to include the reintroduction of systematic checks. The Agency will thus be able to ensure that derogations from the rule providing for the conduct of systematic checks do not give rise to excessive dangers to the internal security of the Schengen area and other implications for its functioning.

Amendment 106
Ulrike Lunacek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Each Member State shall transmit its risk assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis.

Amendment

Each Member State shall transmit its risk assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to ***the European Parliament, to*** the Commission and to that Agency on the application of the checks carried out on a targeted basis.

Or. en

Amendment 107
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

If a Member State conducts targeted rather than systematic checks, it shall use the common risk indicators for foreign terrorist fighters established by the Commission and the guidelines drawn up

by Frontex.

Or. fr

Justification

Following the statement on combating terrorism issued by the informal European Council of 12 February 2015 and the Council Presidency conclusions of March 2015 emphasising the need to step up checks on EU citizens at external borders, the Commission drew up an initial list of common risk indicators for foreign terrorist fighters. The list was finalised in June 2015 and the handbook for border guards was therefore revised accordingly in June 2015 so that these indicators could be applied immediately at external borders.

Amendment 108
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. *With regard to air borders, paragraphs 2b and 2c shall apply for a maximum transitional period of four months from ... [the date of entry into force of this Regulation].*

Or. en

Amendment 109
Barbara Kudrycka, Rachida Dati, Monika Hohlmeier, Brice Hortefeux

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. *With regard to air borders, paragraphs 2a and 2b shall apply for a maximum transitional period of six months from ... [the date of entry into*

force of this Regulation].

Or. en

Amendment 110

Csaba Sógor

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Paragraph 2 shall not apply, on entry and exit, to persons enjoying the right to free movement under Union law when crossing external borders that are borders shared between different parts of the Union to which Union law on free movement applies in accordance, in particular, with Directive 2004/38/EC.

Or. en

Amendment 111

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Paragraph 2 shall not apply, on entry and exit, to persons enjoying the right to free movement under Union law when crossing external borders that are borders shared between different parts of the Union to which Union law on free movement applies in accordance, in particular, with Directive 2004/38/EC."

Justification

The proposed amendment is to give effect to the policy established in Recital (7) of the text which provides that the proposal is to apply "without prejudice to the application of Directive 2004/38/EC of the European Parliament and the Council" on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Amendment 112

Clare Moody, Claude Moraes

Proposal for a regulation

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

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

A Member State may decide to carry out those consultations on a targeted basis , at external borders that are borders shared between different parts of the Union to which Union law on free movement, in particular in accordance with Directive 2004/38/EC, applies, where the systematic consultation of the databases referred to in paragraph 2(a) and (b) would have a disproportionate impact on the:

- (i) flow of traffic; and*
- (ii) rights of persons enjoying the right to free movement under Union law;*

Consultations on a targeted basis shall be carried out only at specified crossing-points of such external borders on the basis of an assessment of the risks related to internal security, public policy, international relations of any of the Member States or a threat to public health.

The risk assessment shall be conducted on a joint basis between the parts of the Union sharing such borders and the decision as to whether to conduct the consultation of the databases referred to

in paragraph 2(a) and (b) on a systematic or targeted basis shall be taken on a joint basis together with the neighbouring part of the Union and the Commission

Or. en

Amendment 113
Monika Hohlmeier

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 562/2006
Article 7 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

"The competent Member State shall ensure that the border authorities have sufficient technical, financial and human resources to prevent, as a rule, the additional checks causing longer waiting times and hindering the flow of traffic at the external borders."

Or. de

Amendment 114
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point b
Regulation (EC) No 562/2006
Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

Amendment

iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen

deleted

Information System;

Or. fr

Justification

The original wording of Article 7(3)(b)(iii) of Regulation (EC) No 562/2006 is more appropriate.

Amendment 115

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 562/2006

Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

(iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System;

Amendment

(iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System ***and, where possible, all relevant data bases made available by third countries or other third parties.***

Or. en

Amendment 116

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 562/2006

Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

(iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security

Amendment

(iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security

or international relations of any of the Member States, including by consulting the relevant Union *and national* databases, in particular the Schengen Information System;

or international relations of any of the Member States, including by consulting the relevant Union *national and international relevant* databases, in particular the Schengen Information System;

Or. en

Amendment 117

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 562/2006

Article 7 – paragraph 3 – point b – point iii

Text proposed by the Commission

iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, *in particular* the Schengen Information System;

Amendment

iii) verification that the third-country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, *including, on a mandatory basis*, the Schengen Information System;

Or. fr

Amendment 118

Sophia in 't Veld, Petr Ježek, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Morten Helveg Petersen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 a) The Commission shall publish an impact study on the impact of this Regulation on the flow of traffic on the entry and exit at Schengen external borders within one year after entry into force of this Regulation.

Or. en

Amendment 119
Emil Radev

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

Text proposed by the Commission

Amendment

(1 a) By ... [two years after the date of entry into force of this Regulation], the Commission shall transmit to the European Parliament and to the Council an evaluation of the implementation and consequences of paragraph 2.

Or. en

Amendment 120
Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Morten Helveg Petersen

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This amending Regulation shall expire by default five years after entry into force and five years after each prolongation. The Council and European Parliament can decide, following a proposal of the Commission, to prolong the application of this Regulation. In case this amending Regulation lapses without prolongation, Regulation 562/2006 will apply as before the entry into force of this amending Regulation.

Or. en

Amendment 121
Tanja Fajon, Juan Fernando López Aguilar

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This amending Regulation shall expire five years after entry into force. The Council and European Parliament may decide, following a proposal of the Commission, to prolong the application of this Regulation.

Or. en

Amendment 122
Josef Weidenholzer

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall expire three years after the date of entry into force. The Council and European Parliament may decide, on a proposal from the Commission, to prolong the application of this Regulation, for which a new proposal shall be submitted.

Or. de