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AMENDMENTS

43 - 208

Draft report

Tanja Fajon

(PE622.093v01-00)

Temporary reintroduction of border control at internal borders

Proposal for a regulation

(COM(2017)0571 – C8-0326/2017 – 2017/0245(COD))

AM_Com_LegReport

Amendment 43
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular point (e) of Article 77(2) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular point (e) of Article **78(2) and Article 84** thereof,

Or. en

Justification

The twin challenges of migration and security call for a dual legal basis, point (e) of Article 78(2) referring to the determining of Member State responsible for considering an application for asylum or subsidiary protection and Article 84 to the measures promoting and supporting the action of Member States in the field of crime prevention. The measure pursues a twofold purpose, either of which is the main or predominant purpose, justifying a dual legal basis.

Amendment 44
Brice Hortefeux

Proposal for a regulation
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The creation of an area in which the free movement of persons is ensured is one of the European Union's main achievements. However, the persistent cross-border terrorist threat, the massive influx of migrants and the failure to establish the common European asylum system have laid bare the Schengen area's operational limitations. In this context, the rules governing the temporary reintroduction of border control at internal borders and the prolongation thereof need to be clarified and the arrangements duly adapted, while stressing the need for cooperation

between Member States.

Or. fr

Amendment 45
Marie-Christine Vergiat

Proposal for a regulation
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the EU's main achievements. It is based on trust and solidarity between the Member States which have agreed to take part in the joint construction of this area and internal controls, with all the hazards they represent, and internal controls may only be reintroduced as a last resort and in truly exceptional and duly justified circumstances, subject to consultation between the states concerned and under the strict supervision of the Commission.

Or. fr

Amendment 46
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The area without internal borders permitting the free movement of persons is one of the main achievements of the EU, and its normal consolidation and operation must be an indispensable objective for the Institutions and the Member States.

Amendment 47
Sophia in 't Veld

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public **policy** or internal security.

Amendment

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public **order** or internal security.

(This amendment applies to all instances in the text where a serious threat to 'public policy' is mentioned.)

Or. en

Amendment 48
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only **as a measure of last resort**, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security.

Amendment

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security. **However, the Member States have complete sovereignty over who is allowed to enter their territory**

across intra-Schengen borders beside the persons having the right to move freely within the area without internal border controls.

Or. en

Justification

Internal border controls should be used when deemed the least burdensome or the most effective means to addressing the threat in question.

Amendment 49
Brice Hortefeux

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should ***remain an exception***. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the ***identified*** serious threats to public policy or internal security.

Amendment

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should ***be permitted when justified by exceptional circumstances***. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the serious threats to public policy or internal security ***identified, such as a terrorist threat or cross-border crime***.

Or. fr

Amendment 50
Marie-Christine Vergiat

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In an area where persons may move

Amendment

(1) In an area where persons may move

freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the **identified** serious threats to public policy or internal security.

freely, the reintroduction of border control at internal borders should remain an exception **and be subject to close monitoring**. The reintroduction of internal border control should be decided, **in collaboration between the Member States affected, and** only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the **verified** serious threats to public policy or internal security **identified by the requesting Member State. Such controls should be suspended immediately if the grounds invoked by the requesting state prove to be unconvincing or if it becomes apparent that the conditions are not being complied with. Under no circumstances may these grounds be solely to carry out checks on 'irregular' migrants.**

Or. fr

Amendment 51

Maria Grapini

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security.

Amendment

(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security. **Serious threats should be well defined and the definition should be applied uniformly in all Member States.**

Or. ro

Amendment 52
Brice Hortefeux

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The irregular crossing of external borders by a large number of third-country nationals and secondary movements may also constitute exceptional circumstances where the overall functioning of the area without internal borders control is put at risk and may, therefore, represent a threat to public order or internal security in this area or in sections thereof.

Or. fr

Amendment 53
Brice Hortefeux

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end.

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end. ***The exercise of police powers may be used to supplement internal border controls. However,***

pursuant to Article 23 of the Schengen Borders Code, this cannot substitute border controls, as their nature and purpose are different.

⁸ OJ L 77, 23.3.2016, p. 1.

⁹ C(2017) 3349 final, 12.5.2017.

⁸ OJ L 77, 23.3.2016, p. 1.

⁹ C(2017) 3349 final, 12.5.2017.

Or. fr

Amendment 54
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end.

⁸ OJ L 77, 23.3.2016, p.1.

⁹ C(2017) 3349 final of 12.05.2017.

Amendment

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end. ***However, the conditions such as requirement for non-discrimination severely limiting the efficiency of such measures, the internal border controls should be used when deemed less burdensome or more effective a means to addressing the threat.***

⁸ OJ L 77, 23.3.2016, p.1.

⁹ C(2017) 3349 final of 12.05.2017.

Justification

The rules governing the use of police powers in the border areas require among other things non-discrimination, in the sense that controls must be applied equally to all border traffic, making police checks inefficient and resource consuming.

Amendment 55 **Monika Beňová**

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end.

⁸ OJ L 77, 23.3.2016, p.1.

⁹ C(2017) 3349 final of 12.05.2017.

Amendment

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end. ***Before resorting to the reintroduction of internal border control, due consideration should be given to the different measures and Commission recommendations on proportionate police checks. The Member States should justify the dismissal of the above mentioned prerogatives.***

⁸ OJ L 77, 23.3.2016, p.1.

⁹ C(2017) 3349 final of 12.05.2017.

Amendment 56
Marie-Christine Vergiat

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end.

⁸ OJ L 77, 23.3.2016, p. 1.

⁹ C(2017) 3349 final, 12.5.2017.

Amendment

(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁸, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end. ***All these measures should also be considered in the light of all the arrangements concerning the Union's external borders which are being reviewed or adopted. Any failure to do so would be tantamount to acknowledging that the EU has no long-term vision of its border control policy.***

⁸ OJ L 77, 23.3.2016, p. 1.

⁹ C(2017) 3349 final, 12.5.2017.

Or. fr

Amendment 57
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Recital 2 a (new)

(2a) *Alternative measures to mitigate threats that have been identified should take precedence over the reintroduction of temporary internal border controls. These measures may be targeted and intensified police checks, greater use of existing technologies and increased cross-border cooperation both from an operational point of view and from that of the exchange of information between police and intelligence services.*

Or. it

Amendment 58

József Nagy

Proposal for a regulation

Recital 2 a (new)

(2a) *Where in a situation of a serious threat to public policy or internal security, Member States should give precedence to police checks in case of a serious threat to internal security or public policy. Member States have to provide for a specific framework to ensure that those police checks do not amount to measures equivalent to border controls. Modern technologies are instrumental in addressing threats to public policy or internal security. Member States should first assess whether the situation can be adequately addressed by way of stepping up police checks within the territory, including in border areas. It is only in cases of police powers under national legislation which are specifically limited to border areas and imply identity checks even without concrete suspicion, that Member States have to provide for a specific framework to ensure that those police checks do not amount to measures*

equivalent to border controls.

Or. en

Amendment 59

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, *experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond* the above periods. It is therefore *needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring* that this measure is not abused and remains an exception, to be used only as a last resort. *To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.*

Amendment

(4) However, *in practice*, internal border controls have been reintroduced for longer than the above periods. It is therefore *necessary to ensure* that this measure is not abused and remains an exception, to be used only as a last resort.

Or. it

Amendment 60

Marie-Christine Vergiat

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, *experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of*

Amendment

(4) However, *since it has been clearly demonstrated that it is rarely necessary to reintroduce internal border controls for more than two months, it should only be*

secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should *be extended to one year.*

possible to extend them beyond two months in exceptional cases and with evidence that such checks are necessary and strictly justified. Only then can it be deemed necessary to exceed the maximum duration for the temporary reintroduction of border controls. This should be done in such a manner as to ensure that such temporary reintroductions are not abused, remain exceptional and may only be agreed to as a last resort To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should *thus remain six months.*

Or. fr

Amendment 61

Barbara Kudrycka, Carlos Coelho, Heinz K. Becker

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, experience has shown that certain serious threats to public policy or internal security, *such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls*, may persist well beyond the *above* periods. It is therefore *needed* and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.

Amendment

(4) However, experience has shown that certain serious threats to public policy or internal security, may persist well beyond the *currently authorized maximum* periods *of six months*. It is therefore *necessary* and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.

Or. en

Justification

"A serious threat to public policy or internal security" is not a concept defined in EU law, so specific mention of these threats with regard to migration is not appropriate for several reasons. This can create the illusion that two threats are just as valid or serious, while nothing proves that it is.

Amendment 62

Frank Engel

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to ***adjust*** the ***time limits applicable to the temporary reintroduction of border control*** to the ***current needs***, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.

Amendment

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to ***make*** the ***renewal of derogations contingent upon the implementation of the measures recommended by the Commission to restore the proper functioning of the Schengen area***, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.

Or. fr

Amendment 63

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, ***to be used only as a last resort***. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***one year***.

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***two years***.

Or. en

Amendment 64 **Rachida Dati, Brice Hortefeux**

Proposal for a regulation **Recital 4**

Text proposed by the Commission

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***one year***.

Amendment

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***two years***.

Or. fr

Amendment 65

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***one year***.

Amendment

(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to ***two years***.

Or. en

Amendment 66

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) To maintain the control over large number of persons arriving to the Member States' intra-Schengen borders, migration flows and the related enduring risk of terrorism and other serious crime should be acknowledged as legitimate reasons for reintroducing internal border controls.

Justification

Tested several times since 2015 in relation to the procedure for the reintroduction of internal border controls by several Member States and not contested by the Institutions, migration and terrorist threat have been de facto admitted as valid grounds for reinstating internal border controls.

Amendment 67

Marie-Christine Vergiat

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public order or internal security.

Or. fr

Amendment 68

Marie-Christine Vergiat

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) In accordance with the case law of the Court of Justice of the European Union, any derogation from the fundamental principle of free movement of persons must be interpreted in a restrictive manner and the concept of public order presupposes the existence of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

Amendment 69

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Reintroduction of internal border controls should be deemed necessary and proportionate when the influx of persons into or irregular movements within the Union puts a strain on a Member State's capacity to manage the numbers of arrivals.

Or. en

Justification

The unprecedented arrival of migrants and the following terrorist attacks in the EU since 2015 make evident the causality between large influx of migrants and weakened internal security. Reintroduction of internal border control should therefore be deemed necessary and proportionate in these circumstances.

Amendment 70

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) With the rise of the phenomenon of radicalisation and recruitment by terrorist organisations of Union citizens and of other persons having the right to move freely within the area without internal border controls, reinstating internal border controls should be deemed necessary and proportionate when used against risks related to the intra-Schengen movements of persons with terrorist

associations.

Or. en

Amendment 71

Frank Engel

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. ***In case of internal border control going beyond six months, the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.***

Amendment

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof, ***as well as proof that the measures recommended by the Commission to restore the proper functioning of the Schengen area have been implemented.*** The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. ***If no detailed evidence of the actual effectiveness of reintroducing controls is forthcoming, it should not be possible to extend controls.***

Or. fr

Amendment 72

Marie-Christine Vergiat

Proposal for a regulation

Recital 5

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning **the** intended **reintroduction** of border control **or prolongation thereof**. The **risk assessment** should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. **In case of internal border control going beyond six months**, the **risk assessment** should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.

(5) In order to guarantee that **this is a measure of last resort and** these internal border controls remain an exception, Member States should submit a **justification, including, among other elements, a** risk assessment concerning **any** intended **prolongation** of border control **beyond two months**. The **justifications provided** should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure, **explain the consequences of the measures already implemented that have proven ineffective** and explain how border control would help in addressing the identified threat. The **justifications** should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.

Or. fr

Amendment 73

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 5

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long

the identified threat is expected to persist and which sections of the internal borders are affected, ***demonstrate that the prolongation of border controls is a last resort measure*** and explain how border control would help in addressing the identified threat. In case of internal border control going beyond six months, the risk assessment ***should*** also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in ***determining the least burdensome*** operational arrangements.

the identified threat is expected to persist and which sections of the internal borders are affected and explain how border control would help in addressing the identified threat. In case of internal border control going beyond six months, the risk assessment ***could*** also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and, ***where applicable***, involved in operational arrangements. ***Sharing especially terrorist-related sensitive information should be subject to the Member State's decision whether to classify parts of the information.***

Or. en

Justification

The procedure should stress the cooperation of the Member States in the fight against common cross-border threats.

Amendment 74

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border

Amendment

(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure, ***indicate what alternative***

control would help in addressing the identified threat. In case of internal border control going beyond six months, the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat **and explain in detail how** each neighbouring Member State affected by such prolongation **was** consulted and involved in determining the least burdensome operational arrangements.

measures have been taken and for what period of time, demonstrate that these have proven ineffective, and explain how border control would help in addressing the identified threat. In case of internal border control going beyond six months, the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat. Each neighbouring Member State affected by such prolongation **must be duly** consulted and involved in **drawing up the risk assessment for the purpose of** determining **jointly** the least burdensome operational arrangements.

Or. it

Amendment 75 **Brice Hortefeux**

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(5) In order to guarantee that these internal border controls remain an exception, Member States should **submit** a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. **In case of** internal border **control going beyond** six months, the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State

Amendment

(5) In order to guarantee that these internal border controls remain an exception, Member States should **have the option of submitting** a risk assessment, **if the Commission or one third of the Member States so requests** concerning the intended reintroduction of border control or prolongation thereof. **Such a risk assessment should be mandatory whenever an extension of more than six months is considered.** The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. **Whenever** internal border **controls exceed** six months, the risk

affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.

assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.

Or. fr

Amendment 76
Marie-Christine Vergiat

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Whenever the reintroduction of internal border controls is proposed for specific planned events of an exceptional nature and duration (such as sporting activities), the duration of such controls should be very precise, circumscribed and linked to the actual duration of the event.

Or. fr

Amendment 77
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol

(6) The European Border and Coast Guard Agency and Europol as well as the Member States affected by the planned reintroduction of internal border controls should be consulted.

should be *involved in that assessment*.

Or. en

Amendment 78
Marie-Christine Vergiat

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should be involved in that assessment.

Amendment

(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should be involved in that assessment, ***as should EASO, EU-LISA and the European Union Agency for Fundamental Rights***.

Or. fr

Amendment 79
Brice Hortefeux

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should be ***involved*** in that assessment.

Amendment

(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should be ***free to participate*** in that assessment.

Or. fr

Amendment 80
Marie-Christine Vergiat

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The **power of the** Commission **to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified** in order to **reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on** the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.

Amendment

(7) The Commission **should ensure that all the conditions laid down in this Regulation are implemented and that the arrangements put in place are transparent, while carrying out its own evaluation of any procedure for reintroducing and extending internal border controls, in close cooperation with all the states concerned,** in order to **ensure** the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.

Or. fr

Amendment 81
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. **When** border

Amendment

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. **Other Member**

control *at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion.* Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.

States issuing an opinion should be required to provide tangible proof of the disadvantages, such as considerable economic loss incurred to them by internal border control. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border. *The procedures provided for in Article 27 and 27a should stress the cooperation of the Member States in the fight against common cross-border threats by considering, where appropriate, the use of concurrent internal border controls in various Member States.*

Or. en

Amendment 82

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border

Amendment

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border

and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, *where appropriate*, of different measures on both sides of the border.

and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination of different measures on both sides of the border.

Or. it

Amendment 83
Frank Engel

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.

Amendment

(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion ***on the basis of tangible evidence proving that the reintroduction of border controls is the most appropriate solution***. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.

Or. fr

Amendment 84
Maria Grapini

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Commission should verify whether the budget increases for the European Border and Coast Guard and Europol lead to a reduction in border controls.

Or. ro

Amendment 85
Frank Engel

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a ***specific possibility*** should be provided ***to prolong internal border controls beyond one year***. ***Such prolongation should*** accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***two years***.

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a ***definition of what ‘persistent serious threats’ entail*** should be provided. ***Any prolongation should go hand-in-hand with implementation of the Commission's recommendations for the proper functioning of the Schengen area and*** accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***one year***.

Or. fr

Amendment 86
Marie-Christine Vergiat

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to make the revised rules better adapted to the challenges ***related to*** persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond ***one year***. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***two years***.

Amendment

(8) In order to make the revised rules better adapted to the challenges ***that may cause*** persistent ***and*** serious threats to public policy or internal security, a specific possibility should be provided to prolong, ***on an exceptional basis***, internal border controls beyond ***six months***. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility ***may be subject to particularly close consultation with all the States concerned and*** should not lead to the further prolongation of temporary internal border controls beyond ***one year***.

Or. fr

Amendment 87
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond one year. Such prolongation should accompany commensurate exceptional national measures also taken within the territory ***to address the threat, such as a state of emergency***. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***two*** years.

Amendment

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond one year. Such prolongation should accompany commensurate exceptional national measures ***addressing terrorist threats and serious cross-border crime*** also taken within the territory. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond ***four*** years.

Justification

As not all Member States declare a state of emergency even if severely affected by the threats mentioned in the amendment, a suchlike reference would not adequately describe the situation across all Member States. Given that temporary border controls under Article 25 may be added up with measures referred to in Article 27a or 29, the maximum overall length of temporary border controls is four years.

Amendment 88

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation**Recital 8***Text proposed by the Commission*

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **one year**. Such prolongation should accompany **commensurate** exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **two** years.

Amendment

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **two years**. Such prolongation should accompany exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **three** years.

Justification

Member States should not be required to take commensurate measures within their borders when the threat in question can better be addressed at the borders.

Amendment 89

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **one year**. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **two years**.

Amendment

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **two years**. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **three years**.

Or. fr

Amendment 90

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **one year**. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **two years**.

Amendment

(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond **six months**. Such prolongation should accompany commensurate exceptional national measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond **one year**.

Or. it

Amendment 91
Marie-Christine Vergiat

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The necessity and proportionality of reintroducing internal border controls should be balanced against the threat to public order or internal security triggering the need for such reintroduction, as should alternative measures which could be taken at national or Union level, or both, and the impact of such controls on the free movement of persons within the area without internal border control.

Or. fr

Amendment 92
Marie-Christine Vergiat

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.

deleted

Or. fr

Amendment 93
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.

Amendment

(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code. ***Member States may not combine the measures taken in order to deal with the circumstances covered by Article 29 with measures taken pursuant to Articles 25 and 28.***

Or. it

Amendment 94
Brice Hortefeux

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.

Amendment

(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29, ***Article 27(a)*** and Article 25 of the Schengen Borders Code.

Or. fr

Amendment 95
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Third-country nationals, who do not satisfy the entry conditions laid down in Article 6 of Regulation (EU) 2016/399 and who do not request asylum at the border of the Member State, irrespective

of their intention to do so in another Member State, should be refused entry into the territory of the Member State.

Or. en

Justification

Temporary reintroduction of internal border controls should address secondary movements, obliging the Member States to turn away asylum seekers arriving from other Member States (de facto safe countries) while complying with international protection obligations. The right to asylum or to international protection does not apply when the third-country national arrives from a safe country.

Amendment 96

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond **a year** should be subject to a specific procedure.

Amendment

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond **two years** should be subject to a specific procedure.

Or. fr

Amendment 97

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond **a year** should be subject to a

Amendment

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond **two years** should be subject to a

specific procedure.

specific procedure.

Or. en

Amendment 98
Marie-Christine Vergiat

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***one year*** should be subject to a specific procedure.

Amendment

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***six months*** should be subject to a specific procedure.

Or. fr

Amendment 99
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***a year*** should be subject to a specific procedure.

Amendment

(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond ***six months*** should be subject to a specific procedure.

Or. it

Amendment 100
Marie-Christine Vergiat

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation ***and, where appropriate, on the cooperation with the neighbouring Member States.***

Amendment

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation, ***after consulting all the Member States affected and in cooperation with them. The European Parliament should immediately be informed of such requests.***

Or. fr

Amendment 101

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, ***where appropriate***, on the cooperation with the neighbouring Member States.

Amendment

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and on the cooperation with the neighbouring Member States.

Or. it

Amendment 102

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, where appropriate, on the cooperation with the neighbouring Member States.

Amendment

(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, where appropriate, on the cooperation with the neighbouring Member States, ***including possible concurrent introduction of internal border controls in various Member States.***

Amendment 103

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, implementing powers to adopt recommendations under this specific procedure should exceptionally be conferred on the Council.

deleted

Or. en

Justification

The Member States' sovereignty over their borders should not be relinquished by conferring powers on the Council in this matter.

Amendment 104

Brice Hortefeux

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, *implementing powers* to adopt recommendations under this specific procedure should exceptionally be conferred on the Council.

(12) In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, *the power to oppose this extension by 'reinforced' qualified majority voting* should exceptionally be conferred on the Council.

Or. fr

Amendment 105

Brice Hortefeux

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, may ***recommend*** such extraordinary further prolongation ***and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of one year and hence be of the same nature as the one already provided for in Article 29.***

Amendment

(13) The Council, taking account of the Commission's opinion, may ***oppose*** such extraordinary further prolongation ***if the risk assessment fails to demonstrate that this exceptional measure will not be excessive and is necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security.***

Or. fr

Amendment 106

Rachida Dati

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures

Amendment

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures

also taken at the national level within the territory to address the same specific threat to public policy or internal security. ***The Council recommendation should be a prerequisite for any further prolongation beyond the period of one year and hence be of the same nature as the one already provided for in Article 29.***

also taken at the national level within the territory to address the same specific threat to public policy or internal security.

Or. fr

Amendment 107

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate ***determine*** the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation ***beyond the period of one year and hence be of the same nature as the one already provided for in Article 29.***

Amendment

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate ***approve*** the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should ***not*** be a prerequisite for any further prolongation.

Or. en

Justification

As the threat does not involve the Schengen area as a whole (as is the case with the prolongation in accordance with Article 29), the Council should only be involved in a non-binding manner in the endorsement of the proposed measures.

Amendment 108
Marie-Christine Vergiat

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of **one year and hence be of the same nature as the one already provided for in Article 29.**

Amendment

(13) The Council, taking account of the Commission's **reasoned and detailed** opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of **six months. In the event of disagreement between the Commission and the Council, the matter should immediately be referred to the European Parliament.**

Or. fr

Amendment 109
Frank Engel

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and

Amendment

(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and

justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of *one year and hence be of the same nature as the one already provided for in Article 29*.

justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of *six months*.

Or. fr

Amendment 110

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The Council, taking account of the Commission's opinion, *may* recommend such extraordinary further prolongation and *where appropriate* determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of *one year* and hence be of the same nature as the one already provided for in Article 29.

Amendment

(13) The Council, taking account of the Commission's opinion, *should* recommend such extraordinary further prolongation and determine the conditions for cooperation between the Member States concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of *six months* and hence be of the same nature as the one already provided for in Article 29.

Or. it

Amendment 111

Brice Hortefeux

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The total period during which border control at internal borders is reintroduced or prolonged under Articles 25, 27, 27(a), 28 and 29 should in principle not be cumulative as the circumstances justifying the reintroduction or extension of internal border control vary from case to case. It is therefore not necessary to set a maximum total cumulative period in the event that the periods laid down in several or all of the procedures are added together. Similarly, the entry into force of this Regulation should be without prejudice to existing internal border control measures.

Or. fr

Amendment 112
Marie-Christine Vergiat

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Measures adopted under Article 29 concerning specific procedures for exceptional circumstances endangering the overall functioning of the area without internal border control should not be able to be applied in combination with measures for the reintroduction or extension of internal border control adopted under other articles of this Regulation.

Or. fr

Amendment 113
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) As referred to in Article 29, internal border controls may be reintroduced to respond to inadequacies in the management of the external borders. That article is unaffected by this change, and the procedure governing it should be kept separate from that which gives rise to the reintroduction of internal border controls in the other circumstances provided for by the Schengen Borders Code.

Or. it

Amendment 114
Sophia in 't Veld

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Where the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, in accordance with Article 258 of the Treaty on the Functioning of the European Union, the Commission should, as the guardian of the Treaties overseeing the application of Union law and of measures adopted by institutions pursuant to them, take appropriate measures, including by bringing the matter before the Court of Justice of the European Union.

Or. en

Amendment 115
Brice Hortefeux

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Since the objective of this Regulation, namely allowing the prolongation in exceptional cases of reintroduced border controls at specific section(s) of the internal borders for the time period necessary for a Member State to adequately respond to a persistent threat of a cross-border nature, is to complement the current rules on temporary reintroduction of border controls at internal borders, it cannot be achieved *by* Member States *acting alone*; an amendment of the common rules established at Union level is necessary. Thus, 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

(14) Since the objective of this Regulation, namely allowing the prolongation in exceptional cases of reintroduced border controls at specific section(s) of the internal borders for the time period necessary for a Member State to adequately respond to a persistent threat of a cross-border nature, is to complement the current rules on temporary reintroduction of border controls at internal borders, it cannot be achieved *if* Member States *fail to cooperate*; an amendment of the common rules established at Union level is necessary. Thus, 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. fr

Amendment 116

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 1

Text proposed by the Commission

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period *of up to 30 days or for*

Amendment

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period, *as a last resort*. The

the foreseeable duration of the serious threat if its duration exceeds 30 days. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

The total period during which border controls at the internal borders are reintroduced in accordance with Articles 27, 27a and 28 may not be extended or combined with the period provided for in Article 29. The total period for which the internal border controls are reintroduced in accordance with Articles 27, 27a, 28 and 29 shall not exceed two years.

Or. it

Amendment 117 **Kinga Gál**

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 1

Text proposed by the Commission

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period ***of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months.*** The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period ***as a last resort measure.*** The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat. ***The total period during which border control at internal borders is reintroduced under Articles 27, 27a and 28 shall not be prolonged under or combined with Article 29. The total period during which border control is reintroduced at internal borders, including any prolongation provided for under Articles 27, 27a, 28 and 29, shall***

not exceed two years.

Or. en

Justification

The temporary reintroduction of internal border control should on the first place address those unforeseen events which pose a threat to the public policy or internal security and cannot be solved in any other way. The temporal and territorial scope of the reintroduction of internal border control should not exceed what is strictly necessary. The reintroduction of the internal border control for a period longer than 2 years cannot be treated as a temporary measure. The adequate use of the available tools can be appropriate to act against the threats to public policy and internal security.

Amendment 118

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 1

Text proposed by the Commission

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to **30** days, or for the foreseeable duration of the serious threat if its duration exceeds **30** days, but not exceeding **six months**. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to **60** days, or for the foreseeable duration of the serious threat if its duration exceeds **60** days, but not exceeding **one year**. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Or. en

Amendment 119

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 1

Text proposed by the Commission

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding **six** months. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders, **as a last resort**, for a limited period of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding **two** months. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Or. fr

Amendment 120

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 1

Text proposed by the Commission

1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to

Amendment

1. Where, in the area without internal border control, there is a **duly proven** serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly

respond to the serious threat.

necessary to respond to the serious threat.

Or. fr

Amendment 121

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. Border control at internal borders shall only be reintroduced as a last resort, and in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered pursuant, respectively, to Article 27, 27a, 28 or 29.

deleted

Or. it

Amendment 122

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. Border control at internal borders shall only be reintroduced *as a last resort, and* in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered

2. Border control at internal borders shall only be reintroduced in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered pursuant,

pursuant, respectively, to Article 27, 27a, 28 or 29.

respectively, to Article 27, 27a, 28 or 29.

Or. en

Justification

Internal border controls should be used when deemed the least burdensome or the most effective means to addressing the threat in question.

Amendment 123

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. *If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.* ***deleted***

Or. it

Amendment 124

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for ***in paragraph 1 of this Article***, that Member State may prolong border control at its internal borders, ***taking account of*** the criteria referred to in Article 26 and ***in accordance*** with Article 27, on the same grounds as those referred to in paragraph 1 of this Article ***and***, taking into account any new elements, for ***renewable periods*** corresponding to the foreseeable duration of the serious threat and ***not*** exceeding ***six*** months.

Amendment

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for, that Member State may prolong border control at its internal borders, ***in accordance with*** the criteria referred to in Article 26 and with Article 27, on the same grounds as those referred to in paragraph 1 of this Article ***or*** taking into account any new elements ***which prove the persistence of the serious threat, for a period*** corresponding to the foreseeable duration of the serious threat, and ***under no circumstances*** exceeding ***four*** months. ***Such an extension is possible only if it the state concerned supplies proof that alternative measures or actions, such as police controls or cross-border police cooperation, are ineffective and have proven incapable of addressing the serious threat, including in the light of legislative developments in the country concerned.***

Or. fr

Amendment 125

Rachida Dati

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article

Amendment

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article

26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat *and not exceeding six months*.

26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat.

Or. fr

Amendment 126

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding *six months*.

Amendment

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding *one year*.

Or. en

Amendment 127

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding *six* months.

Amendment

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding *nine* months.

Or. en

Amendment 128

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may ***prolong*** border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.

Amendment

3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may ***request the prolongation of*** border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.

Or. fr

Amendment 129

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed one year.

deleted

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article.

Or. it

Amendment 130

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed ***one year***.

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed ***six months***.

Amendment 131

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed *one year*.

Amendment

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed *two years*.

Or. fr

Amendment 132

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed *one year*.

Amendment

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed *two years*.

Or. en

Amendment 133

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399
Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed ***one year***.

Amendment

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed ***two years***.

Or. en

Justification

The burdensome specific procedure in Article 27a should not be introduced unnecessarily early on; hence, the time frame is increased by one year.

Amendment 134
Frank Engel

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.

Amendment

deleted

Or. fr

Amendment 135
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **two years** in accordance with that Article.

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **six months** in accordance with that Article.

Or. fr

Amendment 136

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **two** years in accordance with that Article.

Amendment

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **four** years in accordance with that Article.

Or. en

Justification

Given that temporary border controls under Article 25 may be added up with measures referred to in Article 27a, the maximum overall length of temporary border controls is four years.

Amendment 137

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **two** years in accordance with that Article.

Amendment

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of **three** years in accordance with that Article.

Amendment 138

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of *two* years in accordance with that Article.

Amendment

In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of *three* years in accordance with that Article.

Or. fr

Amendment 139

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article.

Amendment

deleted

Or. fr

Amendment 140

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article.

deleted

Or. fr

Amendment 141
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of **two** years, in accordance with paragraph 1 of that Article.

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of **four** years, in accordance with paragraph 1 of that Article.

Or. en

Justification

Given that temporary border controls under Article 25 may be added up with measures referred to in Article 29, the maximum overall length of temporary border controls is four years.

Amendment 142
Rachida Dati, Brice Hortefeux

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399

Article 25 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of **two** years, in accordance with paragraph 1 of that Article.

Amendment

Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of **three** years, in accordance with paragraph 1 of that Article.

Or. fr

Amendment 143

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall moreover launch proactively risk-assessments if certain facts give reason to believe that a particular border region is disproportionately affected by serious cross-border crime. If the risk assessments confirm such an assumption and after notifying the Commission, Member States may introduce temporary localised border controls tailored at the particular identified risks. This shall be accompanied with intensified cross-border cooperation, coordination and mandatory information exchange between law enforcement, border protection agencies and public prosecutors of the involved Member States. Furthermore, such routes shall be equipped and strengthened with the necessary technical tools. Such temporary measures shall be designed as little intrusive as possible for regular border traffic and economic activity. The maximum periods as provided under paragraph 1 to 4 of this Article shall apply.

Amendment 144
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any reintroduction or prolongation of border controls at internal borders made before ... [the date of entry into force of this Regulation] shall be taken into account for the purpose of calculation of the periods referred to in Articles 27, 27(a) and 28, and the provisions on risk assessment laid down in Articles 27 and 27(a) shall apply.

Or. fr

Amendment 145
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2016/399
Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The maximum periods of internal border controls referred to in this Article, Article 27a, Article 28 and Article 29 may cumulate.

Or. en

Amendment 146
Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 25 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. While internal border controls are in place, third-country nationals who do not satisfy the entry conditions laid down in Article 6 of this Regulation and who do not request asylum at the border of the Member State, irrespective of their intention to do so in another Member State, shall be refused entry into the territory of the Member State.

Or. en

Justification

Internal border controls should address secondary movements by obliging the Member States to turn away asylum seekers arriving from other Member States (de facto safe countries) while complying with international protection obligations. The right to asylum or to international protection should not apply when the third-country national arrives from a safe country.

Amendment 147

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 26

Present text

Amendment

Criteria for the temporary reintroduction of border control at internal borders

Where a Member State decides, as a last resort, on the temporary reintroduction of border control at one or more of its internal

(1a) Article 26 is replaced by the following:

‘Article 26. Criteria for the temporary reintroduction of border control at internal borders

Before a Member State decides, as a last resort, on the temporary reintroduction of border control at one or more of its internal

borders or at parts thereof, or decides to prolong such *reintroduction*, in accordance with Article 25 or Article 28(1), it shall *assess the extent to which such a measure is likely to adequately remedy the threat to public policy or internal security, and shall assess the proportionality of the measure in relation to that threat. In making such an assessment, the Member State shall, in particular, take the following into account:*

(a) *the likely impact of any threats to its public policy or internal security, including following terrorist incidents or threats and including those posed by organised crime;*

(b) the likely impact of *such a measure* on free movement of persons within the area without internal border control.

borders or at parts thereof, or decides to prolong such *a temporary reintroduction*, it shall:

(a) *assess whether the temporary reintroduction of border control at internal borders is likely to resolve or mitigate the threats to its public policy or internal security. If the temporary reintroduction of internal border controls is not considered a sufficient measure to resolve or mitigate the threat, the Member State concerned should not reintroduce internal border controls;*

(b) *assess whether measures other than the temporary reintroduction of internal border controls are likely to remedy the threat to public policy or internal security; If the Member State concerned considers that such measures as cross-border police cooperation and police checks are sufficient to address this threat, border controls cannot be reintroduced or prolonged and those measures must be applied;*

(c) *assess the proportionality of the temporary reintroduction of internal border controls to that threat, in particular by taking into account:*

(i) *the likely impact of any threats to its public policy or internal security, including terrorist threats and threats presented by organised crime;*

(ii) the likely impact of *the temporary reintroduction of internal border controls* on free movement of persons within the area without internal border control.

If the proposed internal border controls

are not proportionate to the threat or have a disproportionate impact on free movement, the Member State concerned cannot reintroduce internal border controls or prolong them.”

Or. it

(<http://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:02016R0399-20170407&from=EN>)

Amendment 148

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point -i (new)

Regulation (EU) 2016/399

Article 27 – title

Present text

Procedure for the temporary reintroduction of border control at internal borders *under Article 25(1)*

Amendment

(-i) The title is replaced by the following:

"Procedure for the temporary reintroduction of border control at internal borders in the event of a foreseeable serious threat to public policy or internal security";

Or. it

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02016R0399-20170407&from=EN>)

Amendment 149

Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point -i (new)

Regulation (EU) 2016/399

Article 27 – paragraph -1 (new)

Text proposed by the Commission

Amendment

(-i) A new paragraph -1 is inserted as follows:

" -1. Where, in the area without internal border controls, a Member State observes that a serious threat to public policy or internal security exists in a Member State, and intends to reintroduce internal border controls, the Member State may reintroduce the border controls along all or along specific parts of its internal borders for a period limited to a maximum of 30 days - or for the foreseeable duration of the serious threat, if that period exceeds 30 days, but at all events for a period not exceeding two months - in exceptional circumstances, as a last resort and in accordance with the criteria set out in Article 26."

Or. it

Amendment 150

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point -i a (new)

Regulation (EU) 2016/399

Article 27 – paragraph 1 – introductory part

Present text

1. Where a Member State plans to reintroduce border control at internal borders under Article 25, it shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:

Amendment

(-ia) In paragraph 1, the introductory part is replaced by the following:

"1. For the purposes of paragraph -1, the Member State concerned shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02016R0399-20170407&from=EN>)

Amendment 151

Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a a

Text proposed by the Commission

Amendment

(i) *In paragraph 1, a new letter (aa) is added as follows:* *deleted*

‘(aa) a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.

The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.

The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate.’

Amendment 152

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a – subparagraph 1

Text proposed by the Commission

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. ***Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.***

Amendment

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, ***explaining what alternative measures to border controls have been taken and the reasons, based on verifiable, concrete and statistical evidence, why the measures have not been sufficient to mitigate the threat,*** demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat.

Or. it

Amendment 153

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a – subparagraph 1

Text proposed by the Commission

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, ***demonstrating that the prolongation of border control is a last resort measure and*** explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment ***shall*** also explain how the previous reintroduction of

Amendment

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment ***may*** also explain how the previous reintroduction of border control has contributed to remedying the identified threat.

border control has contributed to
remedying the identified threat.

Or. en

Amendment 154

József Nagy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a – subparagraph 1

Text proposed by the Commission

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how **border control** would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also **explain how** the previous reintroduction of border control has contributed to remedying the identified threat.

Amendment

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how **and substantiating how this** would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also **substantiate the role of** the previous reintroduction of border control has contributed to remedying the identified threat.

Or. en

Amendment 155

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a – subparagraph 1

Text proposed by the Commission

a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are

Amendment

a justification including, among other elements, a risk assessment assessing how long the identified threat is expected to

affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than **six** months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.

persist and which sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than **two** months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 37 concerning the uniform format of such justifications, including that of the risk assessment.***

Or. fr

Amendment 156

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a – subparagraph 2

Text proposed by the Commission

The risk assessment ***shall*** also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.

Amendment

The risk assessment ***may*** also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.

Or. en

Amendment 157

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a a – subparagraph 2

Text proposed by the Commission

The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.

Amendment

The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed. ***The assessment shall also cover the implementation of any recommendations previously made by the Commission for carrying out border controls in accordance with the Schengen acquis.***

Or. fr

Amendment 158

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point i

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a a – subparagraph 3

Text proposed by the Commission

The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate.

Amendment

Without prejudice to paragraph 3, the Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate.

Or. en

Amendment 159

Marie-Christine Vergiat

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a b (new)

(ia) *In paragraph 1, the following point is inserted:*

'(ab) *any measures other than the proposed reintroduction taken or envisaged by the Member State to address the threat detected and the reasons why alternative measures, such as enhanced cross-border police cooperation or police controls, were deemed insufficient;'*

Or. fr

Amendment 160
József Nagy

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point i a (new)
Regulation (EU) 2016/399
Article 27 – paragraph 1 – point a b (new)

(ia) *In paragraph 1, the following point is inserted:*

"(ab) *any measures other than the proposed reintroduction of border controls at internal borders which have been applied or considered by the Member State concerned to address that threat to public policy or internal security as well as the evidence based reasons, why alternative measures such as enhanced cross –border police cooperation and police checks, including in border areas, have proven to be ineffective to address that threat;"*

Or. en

Amendment 161
Miltiadis Kyrkos

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ia) In paragraph 1, the following point is inserted:

"(ab) any measures other than the proposed reintroduction of border controls at internal borders which the Members State concerned has taken or has considered taking to address that threat to public policy or internal security as well as the reasons, based on evidence, why alternative measures such as enhanced cross-border police cooperation and police checks, including in border areas, have proven to be ineffective to address that threat;"

Or. en

Amendment 162

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point ii

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at internal borders **concerned**."

(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at **the relevant** internal borders."

Or. it

Amendment 163

József Nagy

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point ii

Regulation (EU) 2016/399

Article 27 – paragraph 1 – point e

Text proposed by the Commission

(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at internal borders concerned.

Amendment

(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at internal borders concerned ***as agreed prior to the temporary reintroduction of border control at internal borders concerned.***

Or. en

Amendment 164

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iii

Regulation (EU) 2016/399

Article 27 – paragraph 1 – last sentence

Text proposed by the Commission

Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned prolongation of border control at internal borders ***as well as additional information needed to assess whether this is a last resort measure.***

Amendment

Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned prolongation of border control at internal borders.

Or. en

Amendment 165

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iii

Regulation (EU) 2016/399

Article 27 – paragraph 1 – last sentence

Text proposed by the Commission

Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned prolongation of border control at internal borders as well as **additional** information needed to assess whether this is a last resort measure.

Amendment

If necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned **reintroduction or** prolongation of border control at internal borders as well as **further** information needed to assess whether this is a last resort measure.

Or. it

Amendment 166

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(iiia) The following paragraph 1a is inserted:

“1a. If the serious threat to public policy or internal security in the Member State concerned persists beyond two months, that Member State may prolong border controls at its internal borders, taking into account the criteria laid down in Article 26, on the same grounds as those referred to in paragraph 1 of this Article or in the light of any further new information which demonstrates the persistence of the serious threat, for a period which shall correspond to the foreseeable duration of the serious threat and shall not exceed four months. Such a prolongation shall be permitted on condition that alternative measures, such as cross-border police cooperation and police checks, have proven, on the basis of concrete data and evidence, to be ineffective. To that end, in addition to the

information referred to in paragraph 1 of this Article, the Member State concerned shall provide the Commission and the Member States with a risk assessment, which must without fail contain the following elements:

- (i) an assessment of how long the threat that has been identified is likely to persist and what sections of the internal borders will be affected;*
- (ii) alternative measures or measures taken previously to address the threat identified;*
- (iii) an explanation of why these alternative measures have not sufficiently mitigated the threat;*
- (iv) a demonstration that the prolongation of border controls is a last resort, and*
- (v) an explanation of how the border controls could help to address the threat identified more effectively. This risk assessment must also include a detailed report on the cooperation that has taken place between the Member State concerned and the Member State(s) directly concerned by the reintroduction of border controls, including the Member States with which it shares the internal borders at which the border controls have been carried out.*

The Commission shall communicate the assessment to the European Border and Coast Guard Agency or Europol and may, if appropriate, request their opinion on the risk assessment.

The Commission shall establish, in cooperation with the Member States, a uniform model for the notification and the risk assessment by means of an implementing act to be adopted in accordance with the examination procedure referred to in Article 38(2) of this Regulation.”

Amendment 167

Brice Hortefeux

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(iiia) the following paragraph is added:

‘(1a) The Member State may, at the request of the Commission or one third of the Member States, provide a risk assessment. To that end, the Member State shall supply the following information:

(a) an estimate of the likely duration of the persistent threat identified,

(b) which sections of the internal borders are affected,

(c) proof that the prolongation of border controls is a last resort,

(d) a detailed explanation of how border controls would better help address the identified threat. ’

Or. fr

Amendment 168

Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iii b (new)

Regulation (EU) 2016/399

Article 27 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(iiib) the following paragraph is added:

‘(1b) Where border controls has already been reintroduced for more than six months, the Member states shall supply a risk assessment containing the information referred to in paragraph 1(a) and shall explain how the previous reintroduction of border control has contributed to remedying the identified threat.

The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border controls have been performed. The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate. ’

Or. fr

Amendment 169

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 2

Present text

2. The information referred to in **paragraph 1** shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to **that paragraph**.

Amendment

(iiia) Article 27(2) is replaced by the following:

"2. The information referred to in **paragraphs 1 and 1a** shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to **those paragraphs**.

Or. it

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0399>)

Amendment 170

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iii b (new)

Regulation (EU) 2016/399

Article 27 – paragraph 3

Present text

3. Member States ***making a notification under paragraph 1*** may, where necessary and in accordance with national law, decide to classify parts of the information.

Such classification shall not preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.

Amendment

(iiib) Article 27(3) is replaced by the following:

"3. Member States may, where necessary and in accordance with national law, decide to classify parts of the information ***referred to in paragraphs 1 and 1a of this article.***

Such classification shall not preclude ***access by the Member States affected by the border controls to such classified information through appropriate and secure police cooperation channels, nor shall it preclude*** information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.'

Or. it

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0399>)

Amendment 171

József Nagy

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 3

3. Member States ***making*** a notification under paragraph 1 may, where necessary and in accordance with national law, decide ***to classify*** parts ***of the information***.

Such classification shall not preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.

(iiia) Article 27 paragraph 3 is replaced by the following:

"3. Member States ***submitting*** a notification ***under paragraph 1 and a risk assessment*** under paragraph 1 may, where necessary and in accordance with national law, decide ***to classify them or*** parts ***thereof***.

Such classification shall not preclude ***the other Member States from accessing this classified information through appropriate and secure channels of police cooperation, nor preclude such*** information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0399>)

Amendment 172 **Miltiadis Kyrkos**

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 27 – paragraph 3

3. Member States ***making a notification under paragraph 1*** may, where necessary and in accordance with national law, ***decide to classify*** parts of the

(iiia) Article 27 paragraph 3 is replaced by the following:

"3. Member States may ***classify***, where necessary and in accordance with national law, parts of the information ***referred to in***

information. Such classification shall not preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.

paragraphs 1 and 1a."

Such classification shall not ***preclude affected Member States from accessing this classified information , provided in due time, through appropriate and secure channels of police cooperation nor*** preclude information from being made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02016R0399-20170407&from=EN>)

Amendment 173

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iv

Regulation (EU) 2016/399

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Following notification by a Member State under ***paragraph 1*** and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72

Amendment

Following notification by a Member State under ***paragraphs 1 and 1a*** and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to

TFEU, issue an opinion.

Article 72 TFEU, issue an opinion.

Or. it

Amendment 174

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iv

Regulation (EU) 2016/399

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Following notification by a Member State under paragraph 1 and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72 TFEU, issue an opinion.

Amendment

Following notification by a Member State under paragraph 1 and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, ***after one year of internal border control and*** without prejudice to Article 72 TFEU, issue an opinion.

Or. en

Justification

To avoid unnecessary and excessive administrative burden, the other Member States should be able to issue an opinion after one year of border control. Further down in the paragraph, there is a derogation for the Commission (in some circumstances, an obligation to issue an opinion immediately).

Amendment 175

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iv

Regulation (EU) 2016/399

Article 27 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The opinion by another Member State shall contain tangible proof of disadvantages incurred by internal border

control.

Or. en

Justification

The burden of proof of disadvantages to other Member State(s) should be on the Member State(s) claiming to be affected.

Amendment 176

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iv

Regulation (EU) 2016/399

Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders or **where** it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect.

Amendment

If, on the basis of the information contained in the notification or any additional information it has received, the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders, or ***if*** it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect.

Or. it

Amendment 177

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point iv

Regulation (EU) 2016/399

Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the Commission has concerns as regards the necessity or proportionality of

Amendment

In exceptional cases, where the Commission has ***serious*** concerns as

the planned reintroduction of border control at internal borders or where it considers that a consultation on some aspects of the notification would be **appropriate**, it shall issue an opinion to that effect.

regards the necessity or proportionality of the planned reintroduction of border control at internal borders or where it considers that a consultation on some aspects of the notification would be **necessary**, it shall issue an opinion to that effect **immediately**.

Or. en

Justification

As a derogation from the proposed amendment to the first sentence of this paragraph, in exceptional circumstances the Commission should issue an opinion right away.

Amendment 178 **Brice Hortefeux**

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point iv
Regulation (EU) 2016/399
Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders or where it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect.

Amendment

Where the Commission has, ***on the basis of the information contained in the notification, the risk assessment or any additional information it has received***, concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders or where it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect.

Or. fr

Amendment 179 **Jussi Halla-aho, Anders Primdahl Vistisen**

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

Regulation (EU) 2016/399
Article 27 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

***Where border control at internal borders
has already been reintroduced for six
months, the Commission shall issue an
opinion.*** ***deleted***

Or. en

Amendment 180
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point iv
Regulation (EU) 2016/399
Article 27 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

***Where border control at internal borders
has already been reintroduced for six
months, the Commission shall issue an
opinion.*** ***deleted***

Or. fr

Amendment 181
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point iv
Regulation (EU) 2016/399
Article 27 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

***Where border control at internal borders
has already been reintroduced for six
months, the Commission shall issue an
opinion.*** ***deleted***

Or. it

Amendment 182
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point v
Regulation (EU) 2016/399
Article 27 – paragraph 5

Text proposed by the Commission

The information referred to in paragraph 1 and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. *Where appropriate*, the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation between the Member States shall be examined. The *Member State planning to reintroduce or prolong border control at internal borders* shall *take the utmost account of the results of such consultation when carrying out border controls*.

Amendment

The information referred to in paragraph 1 and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. The consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, *possible alternative measures that could be adopted to ensure the obligation of last resort*, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation between the Member States shall be examined. The *Commission, with the support of experts from the European Border and Coast Guard, Europol or Member States if necessary*, shall *be free to check whether the internal border controls are in compliance with this Regulation by means of unannounced visits to those borders. It shall also ensure compliance with the fundamental principles of the Union, in particular fundamental rights and the principle of free movement*.

Or. fr

Amendment 183
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point v

Regulation (EU) 2016/399

Article 27 – paragraph 5

Text proposed by the Commission

‘The information referred to in **paragraph 1** and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation **led by the Commission. Where appropriate**, the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the **relevant Agencies**. The proportionality of the **intended** measures, the **identified** threat to public policy or internal security **as well as the ways of ensuring implementation of the mutual cooperation between the Member States shall be examined. The Member State planning to reintroduce or prolong border control at internal borders shall take the utmost account of the results of such consultation when carrying out border controls.**’

Amendment

‘The information referred to in **paragraphs 1 and 1a** and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation. The consultation shall **without fail** include:

(i) joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the **Commission. The joint meetings shall be held with the aim of organising, if appropriate, mutual cooperation between the Member States and assessing** the proportionality of the measures **in relation to the events which give rise to the reintroduction of border controls and** the threat to public policy or internal security.

(ii) **where appropriate, unannounced on-site visits by the Commission to the relevant internal borders, where appropriate with the support of experts from Member States and from the**

Agency, Europol or any other relevant Union body, office or agency, to assess the effectiveness of border controls at those internal borders. The reports on such unannounced visits shall be communicated to the European Parliament;'

Or. it

Amendment 184

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point v

Regulation (EU) 2016/399

Article 27 – paragraph 5

Text proposed by the Commission

The information referred to in paragraph 1 and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. Where appropriate, the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation between the Member States shall be examined. The Member *State planning to reintroduce or prolong border control at internal borders* shall take the utmost account of the results of such consultation *when carrying out border controls*.

Amendment

The information referred to in paragraph 1 and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. Where appropriate, the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those *having presented tangible proof of being* directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation, *including effective use of the bilateral readmission agreements or other arrangements* between the Member States *and, where appropriate, removing legal or operational barriers from cross-border cooperation and information exchanges* shall be examined. The Member *States taking part in the consultation* shall take the utmost account of the results of such consultation *in accordance with their*

national law.

Or. en

Justification

To address the prevailing lack of trust among Member States, all Member States should take back third-country nationals who transited their territory before being apprehended in another Member State. Thus, the bilateral readmission agreements should be promoted.

Amendment 185

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point v

Regulation (EU) 2016/399

Article 27 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Ways to minimise the disadvantages to other Member States, including by making use of modern technologies for surveillance and detection facilitating the performance of border control shall also be subject to consultation.

Or. en

Justification

Member States planning to reintroduce internal border control are well aware this is potentially damaging economic interests. The consultations should therefore strive, among other things, to finding ways to speed up the performance of eventual border controls.

Amendment 186

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – title

Text proposed by the Commission

Amendment

Specific procedure where the serious threat to public policy or internal security *exceeds one year*

Specific procedure where the serious threat to public policy or internal security *persists*

Or. en

Justification

Modified in line with the proposed new time frame.

Amendment 187

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – title

Text proposed by the Commission

Amendment

Specific procedure where the serious threat to public policy or internal security exceeds *one year*

Specific procedure where the serious threat to public policy or internal security exceeds *two years*

Or. fr

Amendment 188

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 1

Text proposed by the Commission

Amendment

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article 25(4) first sentence, and where commensurate *exceptional* national measures are also taken within the territory

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article 25(4) first sentence, and where commensurate *specific* national measures are also taken within the territory to

to address **this** threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

address **the terrorist or serious cross-border crime** threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

Or. en

Amendment 189

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 1

Text proposed by the Commission

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article **25(4) first sentence**, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

Amendment

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article **27(1a)**, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

Or. it

Amendment 190

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 1

Text proposed by the Commission

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal

Amendment

1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal

security beyond the period referred to in Article 25(4) first sentence, and where **commensurate** exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

security beyond the period referred to in Article 25(4) first sentence, and where exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.

Or. en

Justification

Member States should not be required to take commensurate measures within their borders when the threat in question can better be addressed at the borders.

Amendment 191

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 2

Text proposed by the Commission

2. At the latest **six** weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required in Article 27(1)(a) to (e). Article 27 paragraphs 2 and 3 shall apply.

Amendment

2. At the latest **three** weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain **all** the information required in Article 27(1)(a) to (e). Article 27 paragraphs 2 and 3 shall apply.

Or. fr

Amendment 192

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 2

Text proposed by the Commission

2. At the latest six weeks before the expiry of the period referred to in Article 25(4) **first sentence**, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required **in** Article 27(1)(a) **to (e)**. Article 27 paragraphs 2 and 3 shall apply.

Amendment

2. At the latest six weeks before the expiry of the period referred to in Article 27(1a), the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain **all** the information required **under** Article 27(1) **and (1a)**. Article 27 paragraphs 2 and 3 shall apply.

Or. it

Amendment 193

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 2

Text proposed by the Commission

2. At the latest six weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required in Article 27(1)(a) to (e). Article 27 paragraphs 2 and 3 shall apply.

Amendment

2. At the latest six weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required in Article 27(1)(a) to (e). ***The risk assessment shall in particular focus on consultations and cooperation with other Member States, including, where appropriate, proposals for reintroduction of internal border controls in other Member States.*** Article 27 paragraphs 2 and 3 shall apply.

Justification

When appropriate, Member States should take joint action against the threat.

Amendment 194

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 3

Text proposed by the Commission

3. The Commission shall issue an opinion.

Amendment

3. The Commission shall issue an opinion ***specifying whether the extension complies with the conditions of this Regulation, in particular as regards the necessity and proportionality of the measure and its effect on the principle of free movement, in particular in the neighbouring countries concerned. The Member States affected may also deliver an opinion.***

Or. fr

Amendment 195

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 3

Text proposed by the Commission

3. The Commission shall issue an opinion.

Amendment

3. The Commission ***and any Member State may*** issue an opinion ***on the compliance of the proposal for prolongation with the requirements referred to in paragraphs 1 and 2 of this article and the necessity and***

*proportionality of the proposed
prolongation.*

Or. it

Amendment 196

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 3

Text proposed by the Commission

3. The Commission shall issue an opinion.

Amendment

3. ***Based on the notification by the Member State***, the Commission shall issue an opinion, ***including, where appropriate, a recommendation for other Member States to reintroduce internal border controls to strengthen the common response to the threat.***

Or. en

Amendment 197

Brice Hortefeux

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may ***recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than three times***, for a further period of up to six months. ***In its recommendation, the Council shall at least indicate the information referred to***

Amendment

4. The Council, taking due account of the opinion of the Commission, may, ***by ‘reinforced’ qualified majority vote, oppose the Member State’s further extension of internal border controls. If the Council decides not to hold a vote, the Member State’s further extension of internal border controls*** for a further period of up to six months shall ***be deemed to be accepted. That period may be***

in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.

prolonged, no more than five times, for a further period of up to six months.

Or. fr

Amendment 198

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. ***The Council, taking due*** account of the opinion of the Commission, may recommend that the Member State ***decide to*** further prolong border control at internal borders for ***a period of*** up to six months. ***That period may be prolonged, no more than three times, for a further period of up to six months.*** In its recommendation, the Council shall ***at least*** indicate the information referred to in Article 27(1) ***(a) to (e). Where appropriate, it shall determine*** the conditions for cooperation between the Member States concerned.

Amendment

4. ***Once it has taken*** account of the opinion of the Commission ***and of*** the Member State(s) / ***the Council*** may, ***as a last resort***, recommend that the Member State ***concerned*** further prolong border control at ***its*** internal borders for up to six months. In its recommendation, the Council shall indicate the information referred to in Article 27(1) ***and (1a) and it shall lay down*** the conditions for cooperation between the Member States concerned. ***The Council may also recommend the application of alternative measures to border controls or recommend that border controls at internal borders be lifted where the principles of necessity and proportionality, including their impact on free movement, have not been respected. Where appropriate, the Council may also request the Commission to monitor the implementation of prolonged border controls in accordance with Article 27(5)(ii).***

Or. it

Amendment 199

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. ***That period may be prolonged, no more than three times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.***

Amendment

4. The Council, taking due account of the opinion of the Commission ***and the Member States affected***, may recommend ***as a measure of last resort*** that the Member State decide to further prolong border control at internal borders for a period of up to six months. ***The Council may also recommend the application of alternative measures to internal border controls or the suspension of such controls. If necessary, the Council may also ask the Commission to monitor the implementation of internal border controls pursuant to Article 27(5)(ii). In the event of disagreement between the Commission and the Council, the matter shall immediately be referred to the European Parliament.***

Or. fr

Amendment 200

Jussi Halla-aho, Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to ***six*** months. That period may be prolonged, no more than ***three*** times, for a further period of up

Amendment

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to ***twelve*** months. That period may be prolonged, no more than ***two*** times, for a further period of

to **six** months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it **shall determine** the conditions for cooperation between the Member States concerned.

up to **twelve** months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it **may approve** the conditions for cooperation between the Member States concerned. ***Before a Member State reintroduces border control at its internal borders under this paragraph, it shall notify the other Member States, the European Parliament and the Commission accordingly. In the event that the recommendation referred to in paragraph 3 is not implemented by a Member State, that Member State shall without delay inform the Commission in writing of its reasons.***

Or. en

Amendment 201

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than **three times**, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.

Amendment

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than **once**, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.

Or. fr

Amendment 202

Rachida Dati

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than **three** times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.

Amendment

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than **five** times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned.

Or. fr

Amendment 203

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4

Text proposed by the Commission

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall

Amendment

4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall

determine the conditions for cooperation between the Member States concerned.

recommend the conditions for cooperation between the Member States concerned, **which shall include the creation of joint investigation teams.**

Or. en

Justification

The term "determine" is inappropriate as it suggests that there is a legal basis justifying its binding character. Joint investigation teams would enhance cross-border cooperation and possibly shorten the necessity of temporary internal border controls.

Amendment 204

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2016/399

Article 27 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This article shall be without prejudice to measures that may be adopted by Member States under exceptional circumstances in which the general functioning of the area without internal border controls is at risk as referred to in Article 29.

Or. it

Amendment 205

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 28 – paragraph 4

Present text

Amendment

(3a) In Article 28, paragraph 4 is

4. ***Without prejudice to Article 25(4),***
the total period during which border
control is reintroduced at internal borders,
on the basis of the initial period under
paragraph 1 of this Article and any
prolongations under paragraph 3 of this
Article, shall not exceed two months.

replaced by the following:

"4. The total period during which
border ***controls are*** reintroduced at internal
borders, on the basis of the initial period
under paragraph 1 of this Article and any
prolongations under paragraph 3 of this
Article, shall not exceed two months."

Or. it

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02016R0399-20170407&from=EN>)

Amendment 206

József Nagy

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 28 a (new)

Text proposed by the Commission

Amendment

(3a) the following Article is inserted:

"Article 28a

***Any reintroduction or prolongation of
border controls at internal borders made
before ... [the date of entry into force of
this Regulation] shall be taken into
account for the purpose of calculation of
the periods referred to in Articles 25(5),
27 1b, 27a(5) and 28(4) while on the same
time the provisions of Articles 27 and 27a
shall apply."***

Or. en

Amendment 207

Kinga Gál

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 28 a (new)

(3a) the following Article is inserted:

"Article 28a

Any reintroduction or prolongation of border controls at internal borders made before ... [the entry into force of this Regulation] shall be taken into account for the purpose of calculation of the periods referred to in Articles 27, 27a and 28 while on the same time the provisions of Articles 27 and 27a shall apply."

Or. en

Amendment 208

Rachida Dati, Brice Hortefeux

Proposal for a regulation

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

Regulation (EU) 2016/399

Article 29 – paragraph 1

Present text

1. In exceptional circumstances where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control as referred to in Article 21, and insofar as those circumstances constitute a serious threat to public policy or internal security within the area without internal border control or within parts thereof, border control at internal borders may be reintroduced in accordance with paragraph 2 of this Article for a period of up to six months. That period may be prolonged, no more than **three** times, for a further period of up to six months if the exceptional circumstances persist.

Amendment

(3a) In Article 29, paragraph 1 is replaced by the following:

"1. In exceptional circumstances where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control as referred to in Article 21, and insofar as those circumstances constitute a serious threat to public policy or internal security within the area without internal border control or within parts thereof, border control at internal borders may be reintroduced in accordance with paragraph 2 of this Article for a period of up to six months. That period may be prolonged, no more than **five** times, for a further period of up to six months if the exceptional circumstances persist.

(<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32016R0399&from=IT>)