



2018/0330B(COD)

19.9.2019

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council
(COM(2018)0631 – C8-0150/2019 – 2018/0330B(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Roberta Metsola

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council (COM(2018)0631 – C8-0150/2019 – 2018/0330B(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0631),
 - having regard to the decision by the Conference of Presidents on 21 March 2019 to split the Commission proposal and to authorise the Committee on Civil Liberties, Justice and Home Affairs to draw up a separate legislative report for the provisions pertaining to the False and Authentic Documents Online system (FADO), namely recitals 80 to 83, 102, 114 and 115 and Article 80 of the Commission proposal;
 - having regard to Article 294(2) and points (b) and (d) of Article 77(2) and point (c) of Article 79(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0150/2019),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018¹,
 - having regard to the opinion of the Committee of the Regions of 6 February 2019²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Budgets,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 110, 22.3.2019, p. 62.

² OJ C 168, 16.5.2019, p. 74.

Amendment 1

Proposal for a regulation Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the *European Border and Coast Guard*

and repealing Council Joint Action
n°98/700/JHA, *Regulation (EU) n°
1052/2013 of the European Parliament
and of the Council and Regulation (EU)
n° 2016/1624 of the European Parliament
and of the Council*

*A contribution from the European
Commission to the Leaders' meeting in
Salzburg on 19-20 September 2018*

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the *False and Authentic Documents
Online system ('FADO')*

and repealing Council Joint Action
98/700/JHA

Or. en

Amendment 2

Proposal for a regulation Recital 80

Text proposed by the Commission

(80) The False and Authentic Documents Online ('FADO') system was established by Joint Action 98/700/JHA within the General Secretariat of the Council, *providing access to Member States' authorities to have at their disposal information on any new forgery methods that are detected and on the new genuine documents that are in circulation.*

Amendment

(80) The *European image archiving system on* False and Authentic Documents Online ('FADO') *was established by Council* Joint Action 98/700/JHA^{1a} within the General Secretariat of the Council. *FADO was set up to facilitate the exchange of information between Member States' authorities on the genuine documents and on known forgery methods. FADO provides for the electronic storage, rapid exchange and the validation of information on genuine and false documents. Given that the detection of false documents is also*

important for citizens, organisations and businesses, the General Secretariat of the Council has also made authentic documents available also in a Public Register of Authentic Travel and Identity Documents Online (PRADO).

^{1a} Council Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO) (OJ L 333, 9.12. 1998, p. 4).

Or. en

Amendment 3

Proposal for a regulation Recital 81

Text proposed by the Commission

Amendment

(81) In its Conclusions of 27 March 2017, the Council stated that the management of the FADO system is outdated and that a change of its legal basis is required in order to continue meeting the requirements of Justice and Home Affairs policies. The Council also noted that synergies could be exploited in that regard using the Agency's expertise in the area of document fraud and the work the Agency has already been carrying out in the field. The Agency should therefore take over the administration as well as the operational and technical management of the FADO system from the General Secretariat of the Council of the European Union.

deleted

Or. en

Amendment 4

Proposal for a regulation Recital 81 a (new)

Text proposed by the Commission

Amendment

(81a) This Regulation constitutes the necessary new legislative basis for governing FADO.

Or. en

Amendment 5

Proposal for a regulation Recital 81 b (new)

Text proposed by the Commission

Amendment

(81b) While false documents and identity fraud are often detected at the external borders of the Union, the fight against false documents is an area covered by police cooperation. The fraudulent use of documents in the Schengen area has significantly increased in the last years. Document and identity fraud entails the production and use of counterfeit documents, the falsification of genuine documents, and the use of genuine documents obtained by means such as deception or misrepresentation. False documents are a multi-purpose criminal tool because they can be used repeatedly to support different criminal activities, including money laundering and terrorism. The techniques used to produce false documents are increasingly sophisticated and necessitate high-quality information on possible detection points, in particular security features and fraud characteristics, as well as frequent updating.

Or. en

Amendment 6

Proposal for a regulation Recital 81 c (new)

Text proposed by the Commission

Amendment

(81c) FADO is specifically created for the purpose of hosting specimen documents and examples of falsified documents that include descriptions of methods of falsification and forgery provided by Member States, third countries, territorial entities, international organisations and other entities subject to international law. As a direct consequence of that purpose, personal data should be stored in FADO in the form of different elements appearing in the specimen and falsified documents. Such personal data are limited to what is necessary for the purposes of FADO and it will not be possible to identify any person from those data. The European Border and Coast Guard Agency established by Regulation (EU) 2019/... of the European Parliament and of the Council ('the Agency') should take the necessary steps to anonymise all elements of personal data which is not necessary in relation to the purposes for which the data is processed in accordance with the principle of data minimisation, provided for in point (c) of Article 4(1) of Regulation (EU) 2018/1725. It should not be possible to retrieve or search any elements of personal data in FADO.

Or. en

Amendment 7

Proposal for a regulation Recital 81 d (new)

(81d) Document fraud can ultimately undermine the internal security of the Schengen area as an area without internal border control. The use of FADO as an electronic storage system that describes possible detection points, both in authentic and in false documents, is an important tool in the fight against document fraud, in particular at the external borders of the Schengen area. Given that FADO contributes to maintaining a high level of security within the Schengen area by supporting the fight against document fraud by police, border guard, customs and other law enforcement authorities of the Member States, FADO constitutes an important tool for the application of the provisions of the Schengen acquis as integrated into the Union framework.

Or. en

Amendment 8

Proposal for a regulation Recital 81 e (new)

(81e) FADO should contain information on all types of genuine and false travel, identity, residence and civil status documents, driving licenses, vehicle licenses and other related official documents that might be used when applying for travel, residence or identity documents issued by Member States, third countries, territorial entities, international organisations and other entities subject to international law.

Or. en

Amendment 9

Proposal for a regulation Recital 81 f (new)

Text proposed by the Commission

Amendment

(81f) While Member States can maintain or develop their national systems containing information on genuine and false documents, they should be under the obligation to provide the Agency with the information on genuine and false documents they possess. The Agency should upload that information to FADO in order to guarantee the uniformity and quality of the information. In particular, Member States should provide all security features of new versions of genuine documents issued by Member States that are covered by this Regulation.

Or. en

Amendment 10

Proposal for a regulation Recital 81 g (new)

Text proposed by the Commission

Amendment

(81g) In order to ensure a high level of control of document fraud by Member States, the Member States' authorities competent in the area of document fraud such as border police, other law enforcement authorities or other third parties should be provided with access to FADO. Such access should be specified by means of implementing acts. Equally, FADO should enable users to have at their disposal information on any new forgery methods that are detected and on new genuine documents that are in circulation.

Amendment 11

Proposal for a regulation

Recital 82

Text proposed by the Commission

(82) ***The FADO system should keep its multi-level structure to provide different levels of information on documents to different stakeholders, including the general public.***

Amendment

(82) FADO should provide different stakeholders, including the general public, ***with different levels of access to documents.***

Or. en

Amendment 12

Proposal for a regulation

Recital 82 a (new)

Text proposed by the Commission

Amendment

(82a) Over the past years, the Agency has developed expertise in the area of document fraud. The Agency is therefore to take over, as provided for in Regulation (EU) 2019/..., the administration as well as the operation and technical management of the FADO from the General Secretariat of the Council. Along with the transfer of FADO, the Agency should provide the Member States with near real-time assistance in the detection and identification of falsified documents.

Or. en

Amendment 13

Proposal for a regulation

Recital 83

Text proposed by the Commission

(83) During the transitional period, it should be ensured that **the FADO system is** fully operational until the transfer **is** effectively carried out and the existing **data are** transferred to the new system. The ownership of the existing data should then be transferred to the Agency.

Amendment

(83) ***It should be ensured that,*** during the transitional period, FADO ***remains*** fully operational until the transfer ***has been*** effectively carried out and the existing ***information has been*** transferred to the new system. The ownership of the existing data should then be transferred to the Agency.

Or. en

Amendment 14

Proposal for a regulation Recital 83 a (new)

Text proposed by the Commission

Amendment

(83a) This Regulation should not affect the competence of Member States relating to the recognition of passports, travel documents, visas or other identity documents.

Or. en

Amendment 15

Proposal for a regulation Recital 101 a (new)

Text proposed by the Commission

Amendment

(101a) In order to ensure the effective implementation of the FADO system, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the setting out the technical specifications for entering into, and storing information in, FADO according

to high standards and the procedures for controlling and verifying the information contained FADO. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and that their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

^{1a} OJ L 123, 12.5.2016, p. 1.

Or. en

Amendment 16

Proposal for a regulation Recital 102

Text proposed by the Commission

(102) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission *as regards the practical handbook for the implementation and management of EUROSUR, the details of the information layers of the situational pictures and the rules for the establishment of specific situational pictures, the measures to mitigate the risks at the external borders to be implemented by the Agency and requiring Member States to cooperate with the Agency in the implementation,*

Amendment

(102) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission *with regard to the establishment of measures granting access to Member States' authorities competent in the area of document fraud and measures granting restricted access to third parties such as airlines, Union institutions, bodies, offices and agencies, third countries or international organisations.* Those powers should be exercised in accordance with Regulation No 182/2011 of the European

the rules for the payment of the financial support for the development of the European Border and Coast Guard standing corps and the monitoring of the conditions applicable to the financial support, the practical handbook on European cooperation on coast guard functions, the technical specifications and procedures of FADO. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁷.

Parliament and the Council²⁷.

²⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

²⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 17

Proposal for a regulation Recital 102 a (new)

Text proposed by the Commission

Amendment

(102a) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

Amendment 18

Proposal for a regulation Recital 102 b (new)

Text proposed by the Commission

Amendment

(102b) The United Kingdom is taking part in this Regulation, in accordance with Article 5(1) of Protocol No 19 on the Schengen acquis integrated into the framework of the European Union annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and Article 8(2) of Council Decision 2000/365/EC^{1a}.

^{1a} Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).

Amendment 19

Proposal for a regulation Recital 102 c (new)

Text proposed by the Commission

Amendment

(102c) Ireland is taking part in this Regulation, in accordance with Article 5(1) of Protocol No 19 on the Schengen acquis integrated into the framework of the European Union annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and Article 6(2) of

^{1a} Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

Or. en

Amendment 20

Proposal for a regulation Recital 102 d (new)

Text proposed by the Commission

Amendment

(102d) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point H, of Council Decision 1999/437/EC on certain arrangements for the application of that Agreement.

Or. en

Amendment 21

Proposal for a regulation Recital 102 e (new)

Text proposed by the Commission

Amendment

(102e) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis

within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point H, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC and 2004/860/EC.

Or. en

Amendment 22

Proposal for a regulation Recital 102 f (new)

Text proposed by the Commission

Amendment

(102f) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point H, of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU and Article 3 of Council Decision 2011/350/EU.

Or. en

Amendment 23

Proposal for a regulation Recital 114

Text proposed by the Commission

(114) /The European DataProtectionData Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) n° 45/2001 and *issued* an opinion on ...

Amendment

(114) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) *No 45/2001 of the European Parliament and of the Council^{1a} on 7 November 2018 and delivered* an opinion on *30 November 2018*.

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

Or. en

Amendment 24

Proposal for a regulation Recital 115

Text proposed by the Commission

(115) This Regulation aims to *amend and expand the provisions of Regulation (EU) N° 2016/1624 and Regulation (EC) N° 1052/2013 of the European Parliament and of the Council, and* to adapt Council Joint Action *No 98/700/JHA* to the institutional framework set by the TFEU. Since the amendments to be made are substantial in number and nature, *those legal acts* should, for the sake of clarity, be replaced and repealed,

Amendment

(115) This Regulation aims to adapt Council Joint Action 98/700/JHA to the institutional framework set by the TFEU. Since the amendments to be made are substantial in number and nature, *that Joint Action* should, for the sake of clarity, be repealed,

Or. en

Amendment 25

Proposal for a regulation Article 80

Text proposed by the Commission

Amendment

Article 80

deleted

1. The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. The FADO system shall not contain any personal data.

The Member States shall transmit the data currently in FADO to the new system.

2. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 117(2) in order to:

(a) establish the technical specifications of FADO according to high standards;

(b) set up the procedures for controlling and verifying the information contained in FADO

Or. en

Amendment 26

Proposal for a regulation Article 80 a (new)

Text proposed by the Commission

Amendment

Article 80a

Subject matter and purpose of FADO

This Regulation establishes the False and Authentic Documents Online system ('FADO').

The purpose of FADO is to provide up-to-date information on authentic and false documents and to contribute to the fight against document and identity fraud by sharing information on security features and potential fraud characteristics in authentic and false documents between the competent national authorities and on authentic documents with the general public.

Or. en

Amendment 27

**Proposal for a regulation
Article 80 b (new)**

Text proposed by the Commission

Amendment

Article 80b

Scope

FADO shall contain information on genuine travel, identity, residence and civil status documents, driving licenses, vehicle licenses and other related official documents that might be used when applying for travel, residence or identity documents issued by Member States, and where applicable, by third countries, territorial entities, international organisations and other entities subject to international law, and information on falsifications thereof.

Or. en

Amendment 28

Proposal for a regulation Article 80 c (new)

Text proposed by the Commission

Amendment

Article 80c

Categories of documents and data contained in FADO

1. FADO shall include the following:

- (a) information, including images, on genuine documents and their security features;*
- (b) information, including images on false, forged, counterfeit or pseudo documents and their fraud characteristics;*
- (c) summary information on forgery techniques;*
- (d) summary information on the security features of the genuine documents;*
- (e) statistics on detected false documents;*
- (f) recommendations on effective ways of detecting specific methods of forgery.*

FADO may also contain handbooks, contact lists and information on valid travel documents and their recognition by Member States, as well as other useful related information.

FADO may contain personal data only in as much as it appears on specimen and falsified documents. Member States shall ensure that individuals whose personal data is used on specimen documents have given their consent, including for processing in FADO. It shall not be possible to identify a person from personal data.

2. Member States shall transmit the data on genuine and false documents that

they possess to the European Border and Coast Guard Agency ('the Agency').

Or. en

Amendment 29

Proposal for a regulation Article 80 d (new)

Text proposed by the Commission

Amendment

Article 80d

Responsibilities of the Agency

- 1. The Agency shall be responsible for establishing FADO in accordance with this Regulation. The Agency shall ensure the functioning of FADO 24 hours a day, 7 days a week and provide for the its maintenance and updating.***
- 2. The Agency shall provide the Member States' competent authorities with near real-time assistance in the detection and identification of falsified documents.***
- 3. The Agency shall be responsible for uploading the information received from the Member States in a timely and efficient manner in order to guarantee the uniformity and quality of the data while ensuring the respect for the principle of data minimisation provided for in point (c) of Article 4(1) of Regulation (EU) 2018/1725.***
- 4. The Agency shall be responsible for the gathering and uploading of information on documents from third countries, territorial entities, international organisations and other entities subject to international law, and information on falsifications thereof.***

Or. en

Amendment 30

Proposal for a regulation Article 80 e (new)

Text proposed by the Commission

Amendment

Article 80e

FADO architecture and access to the system

The FADO architecture shall enable:

- (a) document experts of the Member States' authorities competent in the area of document fraud, such as border police and other law enforcement authorities, to access the system in an unrestricted manner;*
- (b) Member States' authorities that do not require detailed information regarding the security features and falsification of documents to access the system in a restricted manner;*
- (c) third parties, such as Union institutions, bodies, offices and agencies, to access the system in a restricted manner where they require access to information regarding the security features and falsification of documents;*
- (d) third parties, such as airlines, third countries or international organisations that do not require detailed information regarding the security features and falsification of documents to access the system in a restricted manner but shall not grant them access to any personal data that are not subject to the consent of the individual concerned;*
- (e) the public to access the system in a restricted manner for specimen documents but shall not grant it access to personal data that are not subject to the consent of the individual concerned; the public shall only be provided with access to public information on security features.*

Or. en

Amendment 31

Proposal for a regulation Article 80 f (new)

Text proposed by the Commission

Amendment

Article 80f

Processing of personal data by the Agency

The Agency shall apply Regulation (EU) 2018/1725 when processing personal data.

The Agency shall only upload personal data to the extent that they are strictly necessary to describe or illustrate the method of falsification. The Agency shall ensure that such data are adequately anonymised to the extent that is possible in a way that prevents the identification of any individual through FADO.

Or. en

Amendment 32

Proposal for a regulation Article 80 g (new)

Text proposed by the Commission

Amendment

Article 80g

Delegated and implementing acts

1. The Commission shall adopt delegated acts in accordance with Article 80h concerning the establishment of:

(a) the technical specifications for entering and storing information into the system according to high standards;

(b) the procedures for controlling and verifying the information contained in the system.

2. The Commission shall adopt implementing acts concerning:

(a) the establishment of measures granting access to FADO to Member States' authorities competent in the area of document fraud;

(b) the establishment of measures granting restricted access to FADO to third parties such as airlines, Union institutions, bodies, offices and agencies, third countries or international organisations;

(c) the determination of the date of the effective implementation of FADO by the Agency.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80i(2).

Or. en

Amendment 33

Proposal for a regulation Article 80 h (new)

Text proposed by the Commission

Amendment

Article 80h

Exercise of delegation

1. The power to adopt delegated acts is conferred on to the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 80g(1) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation].

3. The delegation of power referred to in Article 80g(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of

the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 80g(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 34

Proposal for a regulation Article 80 i (new)

Text proposed by the Commission

Amendment

Article 80i

Committee procedure

1. The Commission shall be assisted by the committee established by Council Regulation (EC) 1683/95^{1a}. That committee shall be a committee within the

meaning of Regulation (EU) No 182/2011.

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

^{1a} Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995).

Or. en

Amendment 35

Proposal for a regulation Article 80 j (new)

Text proposed by the Commission

Amendment

Article 80j

Repeal and transitional provisions

1. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system by the European Border and Coast Guard Agency, to be determined by means of an implementing act adopted in accordance with the examination procedure referred to in Article 80i(2).

2. Member States shall agree to the transmission by the General Secretariat of the Council of the current FADO data on genuine and false documents in their ownership into the system.

Or. en

Amendment 36

Proposal for a regulation Article 80 k (new)

Text proposed by the Commission

Amendment

Article 80k

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Or. en

EXPLANATORY STATEMENT

The Rapporteur welcomes and supports the proposal as the very last element that will finalise the reform of the European Border and Coast Guard that will ensure a better protection of the Union's external borders.

The proposals put forward in this draft report clarify the role of Frontex in establishing the False and Authentic Documents Online ('FADO') system. The rapporteur proposes the fine-tuning of the scope of FADO to cater for specimen or forged documents of travel, identity, residence, civil status, driving licences, vehicle licences and other source documents that might be used when applying for travel, residence or identity documents. Additionally, Frontex will be entrusted to input the information on FADO in order to ensure uniformity of information.

The Rapporteur believes that the Agency should be given the necessary flexibility to establish and upgrade the system. Frontex will now also better assist Member States in the detection and identification of falsified documents by means of a near to real time assistance provided to Member States and by compiling a new document on recommendations on effective ways of detecting specific methods of forgery.

The European Parliament will also be involved in the implementing measures linked to this Regulation through the proposal of opting for delegated acts instead of implementing acts in a number of cases. Finally, the Rapporteur has strengthened all the provisions on the use of personal data to ensure that such use will never lead to any person being identified through FADO.