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Committee on Civil Liberties, Justice and Home Affairs

6.2.2007

PE 384.476v01-00

AMENDMENTS 35-55

Draft report

(PE 380.718v01-00)

Gérard Deprez

Proposal for a regulation of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism

Motion for a resolution (COM(2006)0401 – C6-0253/2006 – 2006/0140(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment byGiusto Catania

Amendment 35 RECITAL 6

(6) In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the control of persons at and the surveillance of the external borders while deployed to the Member State requesting their assistance.

(6) In order to work effectively together with national border guards, the experts should be able to carry out tasks related to the control of persons at and the surveillance of the external borders *as well as the tasks related to rescue operations* while deployed to the Member State requesting their assistance.

Or. en

Amendment byGiusto Catania

Amendment 36
RECITAL 10 A (new)

(10a) National guest officers and members of the teams must have a good knowledge of the international law provisions and Member States' national law provisions concerning the protection of refugees, in order to fully respect the rights of persons crossing the borders.

Or. en

Amendment byGiusto Catania

Amendment 37
RECITAL 10 B (new)

(10b) The protection of the lives of, and the prevention of injuries to, persons crossing the borders should be a paramount consideration for the guest officers and members of the teams when performing their tasks .

Or. en

Amendment byGiusto Catania

Amendment 38
RECITAL 11

(11) This Regulation respects the fundamental rights and observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in the Charter of Fundamental Rights of the European Union.

(11) This Regulation respects the fundamental rights and observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as in the Charter of Fundamental Rights of the European Union ***and the UN Convention relating to the Status of Refugees adopted in Geneva in***

1951.

Or. en

Amendment by Agustín Díaz de Mera García Consuegra

Amendment 39

ARTICLE 2, POINT 8 A (new)

8a) "Technical control and surveillance equipment" means any resources the use of which serves to control and monitor the borders, including surveillance systems, vessels, aircraft and land-based vehicles.

Or. es

Justification

The technical control and surveillance equipment provided for in Article 7 of Regulation (EC) 2007/2004 should be clearly defined in the interests of greater legal certainty.

Amendment by Martine Roure

Amendment 40

ARTICLE 3, PARAGRAPH 3, POINT (A)

(a) training courses and exercises in accordance with the schedule included in the Agency's annual programme of work;

(a) training courses and exercises in accordance with the schedule included in the Agency's annual programme of work ***and approaches to respect for fundamental rights and psychological considerations;***

Or. fr

Justification

It is important to adopt a psychology-based approach to border officers' tasks since the first thing illegal immigrants will need is psychological assistance, particularly when their journey has been fraught with difficulties.

Amendment 41

ARTICLE 6, PARAGRAPHS 1 TO 3, SUBPARAGRAPH 1

1. For the purpose of joint operations and pilot projects coordinated by the Agency and the deployment of the Rapid Border Intervention Teams, guest officers and members of the teams shall perform the tasks referred to in Articles 7 **and** 8 for the durations of such activities.

2. When carrying out the tasks referred to in Articles 7 **and** 8, guest officers and members of the teams shall comply with Community law and the national law of the host Member State. They shall act under the command of officers of the national border guard of the host Member State.

3. Guest officers and members of the teams shall be authorised to wear their own uniform while performing the tasks referred to in Articles 7 **and** 8.

1. For the purpose of joint operations and pilot projects coordinated by the Agency and the deployment of the Rapid Border Intervention Teams, guest officers and members of the teams shall perform the tasks referred to in Articles 7, 8 **and 8a** for the durations of such activities.

2. When carrying out the tasks referred to in Articles 7, 8 **and 8a**, guest officers and members of the teams shall comply with Community law and the national law of the host Member State. They shall act under the command of officers of the national border guard of the host Member State.

3. Guest officers and members of the teams shall be authorised to wear their own uniform while performing the tasks referred to in Articles 7, 8 **and 8a**.

Or. en

Amendment 42

ARTICLE 6, PARAGRAPH 4 A (new)

4a. When the tasks referred to in Articles 7 and 8 are carried out in pre-border control and surveillance operations, guest officers and members of the teams shall comply with the provisions applicable to regular external border controls, in particular the special provisions on refusal of entry and the right of asylum. Guest officers and members of the teams shall in all circumstances guarantee international protection in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Geneva Convention

relating to the Status of Refugees.

Or. en

Amendment by Agustín Díaz de Mera García Consuegra

Amendment 43

ARTICLE 7, PARAGRAPH 1, INTRODUCTION

1. Guest officers and members of the teams participating in border checks activities, within the meaning of **Article 7 of** Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:

1. Guest officers and members of the teams participating in border checks activities, within the meaning of Regulation (EC) No 562/2006 shall perform the following tasks in the host Member State:

Or. es

Justification

The tasks performed by the Rapid Border Intervention Teams should be circumscribed by Regulation (EC) 562/2006 as a whole, and not just certain aspects of it.

Amendment by Giusto Catania

Amendment 44

ARTICLE 7, PARAGRAPH 1, POINTS (D) TO (F)

(d) checking that any person crossing the border is not the object of an alert for refusal of entry in the Schengen information System (SIS);

(e) stamping travel documents, in accordance with Article 10 of Regulation (EC) No 562/2006, both at entry and exit;
(f) searching means of transport and objects in the possession of the persons crossing the border, in accordance with the national law of the host Member State.

(e) stamping travel documents, in accordance with Article 10 of Regulation (EC) No 562/2006, both at entry and exit;
(f) searching means of transport and objects in the possession of the persons crossing the border, in accordance with the national law of the host Member State;
(fa) providing legal advice to persons crossing the borders.

Or. en

Amendment by Agustín Díaz de Mera García Consuegra

Amendment 45

ARTICLE 7, PARAGRAPH 1, POINT (F A) (new)

(fa) any other type of task established in Regulation (EC) No 562/2006.

Or. es

Justification

The tasks performed by the Rapid Border Intervention Teams should be circumscribed by Regulation (EC) 562/2006 as a whole, and not just certain aspects of it.

Amendment by Giusto Catania

Amendment 46

ARTICLE 7, PARAGRAPH 2

<i>2. Access by guest officers and members of the teams to the SIS and to national databases for the purposes of paragraph 1(d) shall be regulated by Community law and the national law of the host Member State respectively.</i>	<i>Deleted</i>
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Or. en

Amendment by Javier Moreno Sánchez, Gérard Deprez

Amendment 47

ARTICLE 8, POINT A)

(a) making use of technical means for monitoring the external border area;

(a) making use of technical means, ***including land-based vehicles, vessels and aircraft***, for monitoring the external border area;

Or. es

Justification

The possibility should be envisaged of using mobile resources (ships, planes and off-road vehicles) in surveillance tasks.

Amendment by Agustín Díaz de Mera García Consuegra

Amendment 48
ARTICLE 8, POINT B)

(b) participating in patrols on foot and in means of transport in the ***external border area of the*** host Member State;

(b) participating in patrols on foot and in means of transport in the host Member State;

Or. es

Justification

Although there is reason to place geographical limitations on land-based patrols, restricting maritime patrols to border areas would be totally counter-productive since this would limit the work done by Rapid Border Intervention Teams to territorial waters of the Member State, without their being able to sail in international waters.

Amendment by Javier Moreno Sánchez, Gérard Deprez,

Amendment 49
ARTICLE 8, POINT B)

(b) participating in patrols on foot and in means of transport in ***the external border area of*** the host Member State;

(b) participating in patrols on foot and in means of transport in the host Member State;

Or. es

Justification

The activities of Rapid Border Intervention Teams must be extended to the maritime borders.

Amendment by Javier Moreno Sánchez, Gérard Deprez,

Amendment 50
ARTICLE 8, POINT C) A (new)

(ca) participation in all the tasks necessary for the performance of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)¹

¹OJ L 105, 14.4.2006, p. 1.

Or. es

Justification

The participation of Rapid Border Intervention Teams must be extended to all the tasks necessary for the performance of the Borders Code.

Amendment by Giusto Catania

Amendment 51
ARTICLE 8 A (new)

Article 8a

Rescue operations

When carrying out the tasks referred to in Articles 7 and 8, guest officers and members of the teams shall assist or shall perform rescue operations involving the saving of life, or the prevention of injuries to persons crossing the borders.

Or. en

Amendment by Giusto Catania

Amendment 52
ARTICLE 9, PARAGRAPH 1

1. The host Member State shall issue a document to guest officers and members of

1. The host Member State shall issue a document to guest officers and members of

the teams for the purpose of identifying them and as proof of the holder's rights to carry out the tasks referred to in Articles 7 *and* 8.

(a) name and nationality of the guest officer/member of the team;

(b) rank of the guest officer/member of the team;

(c) a recent digitalised photo of the guest officer/member of the team;

(d) information on the joint operation/deployment in which the guest officer/member of the team is participating;

(e) the tasks the guest officer/member of the team may carry out pursuant to Articles 7 *and* 8;

(f) the period in which the guest officer/member of the team is to carry out the tasks referred to in Articles 7 *and* 8.

the teams for the purpose of identifying them and as proof of the holder's rights to carry out the tasks referred to in Articles 7, 8 *and* 8a.

(a) name and nationality of the guest officer/member of the team;

(b) rank of the guest officer/member of the team;

(c) a recent digitalised photo of the guest officer/member of the team;

(d) information on the joint operation/deployment in which the guest officer/member of the team is participating;

(e) the tasks the guest officer/member of the team may carry out pursuant to Articles 7, 8 *and* 8a;

f) the period in which the guest officer/member of the team is to carry out the tasks referred to in Articles 7, 8 *and* 8a.

Or. en

Amendment by Agustín Díaz de Mera García Consuegra

Amendment 53

ARTICLE 12, POINT 1 A (new)

Article 7, paragraph 1 a (new) (Regulation (EC) No 2007/2004)

1a) In Article 7, the following paragraph 1a is inserted:

"The means of which the technical control and surveillance equipment is comprised may be used in the context of missions conducted by Rapid Border Intervention Teams. Member States whose nationals participate in Rapid Border Intervention Teams shall contribute the resources needed to ensure the smooth operation thereof, on the basis of the requirements of the host Member State and those established by the Agency."

Or. es

Justification

The contribution made to Rapid Border Intervention Teams should not be limited to human resources. On the contrary, they must also cover the provision of logistical resources (including surveillance systems and all kinds of aircraft, vessels and vehicles). This amendment seeks to make it clear that the technical equipment referred to in Article 7 of Regulation 2007/2004 (the Frontex Regulation) can also be used in the context of Rapid Border Intervention Teams (which was quite unclear from the original wording) and that Member States whose nationals participate in those teams will contribute the logistical resources needed for their smooth operation.

Amendment byGiusto Catania

Amendment 54

ARTICLE 12, POINT 3

Article 8 b, paragraph 1, subparagraph 2 (Regulation (EC) No 2007/2004)

When drawing up the lists, the Agency ***shall take into account*** the relevant professional experience ***of*** the officers, in particular the knowledge of languages.

When drawing up the lists, the Agency ***shall ensure that*** the officers ***possess*** the relevant professional experience , in particular the knowledge of languages ***and the knowledge of international law provisions as well as Member States' national law provisions concerning the protection of refugees.***

Or. en

Amendment byGiusto Catania

Amendment 55

ARTICLE 12, POINT 3

Article 8 b, paragraph 2 (Regulation (EC) No 2007/2004)

2. When determining the composition of a Rapid Border Intervention Team for deployment, the Agency shall take into account the particular circumstances which the requesting Member State is facing. The team shall be composed in accordance with the operational plan drawn up pursuant to Article 8f(3).

2. When determining the composition of a Rapid Border Intervention Team for deployment, the Agency must take into account the particular circumstances which the requesting Member State is facing. ***Members of the team must have a good knowledge of the law of the host Member State applicable to the performance of their tasks, including national law provisions concerning the protection of refugees.*** The team shall be composed in accordance with

the operational plan drawn up pursuant to
Article 8f(3).

Or. en