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Committee on Foreign Affairs

2011/0365(COD)

10.9.2012

OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa
(COM(2011)0750 – C7-0441/2011 – 2011/0365(COD))

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PA_Legam

SHORT JUSTIFICATION

The Commission has presented to the European Parliament and the Council a proposal for a Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, which includes provisions to support measures taken in and in relation to third countries.

The Committee on Foreign Affairs stresses the importance of ensuring coherent Union policies towards third countries, and therefore the need to clearly stipulate in the Regulation the lead role of the European External Action Service in this regard, including in any actions taken in the framework of the EU's internal security policy.

In particular, the European External Action Service needs to be given a stronger role to make sure that border management actions do not run counter to the core principles of EU external policy, as enshrined in Article 21 TEU, and to the Union's commitment to seek their advancement in the world.

Consequently, the opinion emphasises that border control measures financed from the fund must under no circumstances lead to the violation of human and fundamental rights and that due protection of the rights of asylum seekers and refugees must be guaranteed. To this purpose, this Instrument should reinforce the monitoring capacities of Member States, in close cooperation with third countries and civil society. Moreover, this Instrument needs to address the case of third countries nationals claiming for international protection at borders, in conformity with the asylum *acquis* and the principle of non-refoulement.

The opinion highlights the essential link between visa policy and mobility considering that visa is a substantial instrument for mobility. Consequently, this dimension needs to be reinforced in order to endorse the perspectives given by the Global Approach on Migration and Mobility, notably to develop and ensure mobility in a secure environment.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Union's objective of ***ensuring a high level of security within*** an area of ***Freedom, Security and Justice*** (Article 67(3) of the Treaty on ***the Functioning of***

Amendment

(1) The Union's objective of ***offering its citizens*** an area of freedom, security and justice ***without internal frontiers, in which the free movement of persons is ensured***

the Union) should be achieved, inter alia, through common measures on the crossing of internal borders by persons and border control at external borders and the common visa policy as part of a multi-layer system **aimed at** facilitating *legitimate travel* and *tackling illegal immigration*.

(Article 3(2) of the Treaty on *European Union*(TEU)), should be achieved **following the principle of solidarity and fair sharing of responsibility between Member States**, inter alia, through common measures on the crossing of internal borders by persons and border control at external borders and the common visa policy as part of a multi-layer system, **which is fair towards third-country nationals and aims at organising and facilitating regular migration and mobility, while fighting against organised crime and trafficking in human beings (Article 67(2) and (3), Article 71(1) and Article 80 of the Treaty on the Functioning of the European Union(TFEU));**

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and the rule of law as well as a strong focus on the global perspective and **the inextricable link** with **external security** should be key principles guiding the implementation of the Internal Security Strategy.

Amendment

(3) Solidarity among Member States, clarity about the division of tasks, respect for fundamental **freedoms and human** rights and the rule of law as well as a strong focus on the global perspective and **full compliance** with **Union foreign policy objectives as laid down in Article 21 TEU** should be key principles guiding the implementation of the Internal Security Strategy.

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The Fund should therefore be established as a comprehensive framework for *EU* financial support in the field of

Amendment

(6) The Fund should therefore be established as a comprehensive framework for *Union's* financial support in the field of

internal security comprising the instrument established by this Regulation as well as the instrument established by Regulation .../2012/EU establishing *as part of the Internal Security Fund, the* instrument for financial support for police co-operation, preventing and combating crime, and crisis management. *This* comprehensive framework should be complemented by Regulation .../2012/EU laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police co-operation, preventing and combating crime, and crisis management to which this Regulation should refer as regards rules on programming, financial management, management and control, clearance of accounts, closure of programmes and reporting and evaluation.

internal security comprising the instrument established by this Regulation, *relating to external borders and visa*, as well as the instrument established by Regulation .../2012/EU establishing the instrument for financial support for police co-operation, preventing and combating crime, and crisis management. *These two instruments should function, to the extent possible, with identical delivery mechanisms, as a* comprehensive framework, *which* should be complemented by Regulation .../2012/EU laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police co-operation, preventing and combating crime, and crisis management to which this Regulation should refer as regards rules on programming, financial management, management and control, clearance of accounts, closure of programmes and reporting and evaluation.

Amendment 4

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) When executing tasks at external borders and consulates in accordance with the Schengen acquis on borders and visas, Member States carry out activities in the interest of and on behalf of all other Member States in the Schengen area and thus performing a public service for the Union. To express solidarity, the Instrument should contribute to supporting operating costs related to border control and visa policy and enable Member States to systematically maintain capabilities crucial for that service for all. Such support consists of full reimbursement of a choice of costs related to the objectives under this instrument and will form an integral part of

Amendment

(11) When executing tasks at external borders and consulates in accordance with the Schengen acquis on borders and visas, Member States carry out activities in the interest of and on behalf of all other Member States in the Schengen area and thus performing a public service for the Union. To express solidarity *in practice*, the Instrument should contribute to supporting operating costs related to border control and visa policy and enable Member States to systematically maintain capabilities crucial for that service for all. Such support should consist of full reimbursement of a choice of costs related to the objectives under this instrument and

the national programmes.

should form an integral part of the national programmes.

Amendment 5

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) *This* instrument should be implemented in full respect of the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

Amendment

(13) ***Respecting the human rights of immigrants and refugees is of key importance for the Union. The*** instrument should be implemented in full respect of the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, ***the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Geneva Convention Relating to the Status of Refugees, the UN Convention on the Law of the Sea, UN human rights treaties and international humanitarian law.***

Amendment 6

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) To ensure a uniform and high-quality external border control and to facilitate ***legitimate travel across external borders*** within the framework of the EU internal security strategy, the Instrument should contribute to the development of a European common integrated border management system, which includes all the measures involving policy, legislation, systematic co-operation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States, acting in co-operation with the Frontex Agency, with third-countries and,

Amendment

(14) To ensure a uniform and high-quality external border control and to ***organise and facilitate regular migration and mobility*** within the framework of the EU internal security strategy, the Instrument should contribute to the development of a European common integrated border management system, which includes all the measures involving policy, legislation, systematic co-operation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States, acting in co-operation with the Frontex Agency, with third-countries and,

where necessary, with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the European Union.

Amendment 7

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) It should include support for national measures and cooperation between Member States in the area of visa policy and other pre-frontier activities that take place prior to external border controls. The efficient management of activities organised by the services of the Member States in third countries is in the interest of the common visa policy as part of a multi-layered system aimed at facilitating **legitimate travel** and **tackling** irregular immigration into the *European Union*, and constitutes an integral part of the common integrated border management system.

Amendment 8

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) The Instrument should also support the development by the *European Union* of IT systems which would equip Member States with the tools to manage the movement of third-country nationals across borders more efficiently and to ensure **a better** identification and verification of travellers ('smart borders'). To this end, a programme should be established the aim of which is to cover cost for the

where necessary, with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the European Union.

Amendment

(16) It should include support for national measures and cooperation between Member States in the area of visa policy and other pre-frontier activities that take place prior to external border controls, **in particular those which organise and facilitate regular migration and mobility**. The efficient management of activities organised by the services of the Member States in third countries is in the interest of the common visa policy as part of a multi-layered system aimed at **offering a high-quality service to third-country nationals, organising and facilitating regular migration and mobility and preventing** irregular immigration into the Union, and constitutes an integral part of the common integrated border management system.

Amendment

(18) The Instrument should also support the development by the Union of IT systems which would equip Member States with the tools to manage the movement of third-country nationals across borders more efficiently and to ensure **more effective** identification and verification of travellers ("smart borders"), **thereby enhancing border security and generating positive economic impacts**. To this end, a

development of both the central and national components of such systems, ensuring technical consistency, cost savings and a smooth implementation in the Member States.

programme should be established the aim of which is to cover cost for the development of both the central and national components of such systems, ensuring technical consistency, cost savings and a smooth implementation in the Member States.

Amendment 9

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) To address immediately unforeseen migratory pressure and **threats** to border security it should be possible to provide emergency assistance in accordance with the framework set out in Regulation ... 2012/EU laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police co-operation, preventing and combating crime, and crisis management.

Amendment

(19) To address immediately unforeseen migratory pressure and **challenges** to border security it should be possible to provide emergency assistance in accordance with the framework set out in Regulation (EU) No .../2012/EU laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police co-operation, preventing and combating **organised** crime, and crisis management.

Amendment 10

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) Moreover, in the interest of enhanced solidarity in the Schengen area as a whole, where weaknesses or possible **threats** are identified, notably following a Schengen evaluation, the Member State concerned should follow the matter up adequately by using resources under its programmes by priority, where applicable, complementing emergency assistance measures.

Amendment

(20) Moreover, in the interest of enhanced solidarity in the Schengen area as a whole, where weaknesses or possible **challenges** are identified, notably following a Schengen evaluation, the Member State concerned should follow the matter up adequately by using resources under its programmes by priority, where applicable, complementing emergency assistance measures.

Amendment 11

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In the same vein, the scope of the actions and the ceiling for resources which remain available to the Union ('Union actions') should be increased to enhance the capacity of the Union to carry out in a given budget year multiple activities on the management of external borders and the common visa policy in the interest of the Union as a whole, when and insofar as the needs arise. Such Union actions include studies and pilot projects to further the policy and its application, measures or arrangements in third countries **addressing migratory pressures** from those countries in the interest of an optimal management of migration flows into the Union and an efficient organisation of the related tasks at external borders and consulates.

Amendment

(24) In the same vein, the scope of the actions and the ceiling for resources which remain available to the Union ("Union actions") should be increased to enhance the capacity of the Union to carry out in a given budget year multiple activities on the management of external borders and the common visa policy in the interest of the Union as a whole, when and insofar as the needs arise. Such Union actions include studies and pilot projects to further the policy and its application, measures or arrangements in third countries **organising and facilitating regular migration and mobility** from those countries in the interest of an optimal management of migration flows into the Union and an efficient organisation of the related tasks at external borders and consulates.

Amendment 12

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Measures in and in relation to third countries supported through this Instrument should be taken in synergy and coherence with other actions outside the EU supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. **They should**

Amendment

(25) Measures in and in relation to third countries supported through this Instrument should **comply with norms and standards at least equivalent to those set by Union legislation, including when cooperation with third countries takes place on the territory of those countries.** **Those measures should** be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in

not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.

implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question and the ***agreement of the relevant departments of the European External Action Service will be required.*** Coherence ***and complementarity*** should also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.

Amendment 13

Proposal for a regulation Article 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'risk' means a factor that affects or is expected to affect the quality of control at external borders, the smooth crossing of external borders as well as the effective access to the territory of Member States for third-country nationals in need of international protection.

Amendment 14

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The general objective of the Instrument shall be to contribute to ***ensuring a high level of security*** in the European Union.

1. The general objective of the Instrument shall be to contribute to ***ensuring uniform and high-quality external border control while organising and facilitating regular migration and mobility in a secure environment*** in the Union, ***making sure that the Union's commitment to fundamental freedoms and human rights is upheld.***

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. Within the general objective set out in paragraph 1, the Instrument shall contribute - in line with the priorities identified in relevant *EU* Strategies, programmes, **threat** and risk assessments - to the following specific objectives:

Amendment

2. Within the general objective set out in paragraph 1, the Instrument shall contribute - in line with the priorities identified in relevant Union's strategies, programmes and risk assessments - to the following specific objectives:

Amendment 16

Proposal for a regulation

Article 3 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) supporting a common visa policy to facilitate **legitimate travel**, ensure equal treatment of third country nationals and **tackle** irregular migration

Amendment

(a) supporting a common visa policy to **organise and** facilitate **regular migration and mobility, provide a high quality of service to visa applicants**, ensure equal **and decent** treatment of *third-country* nationals and **prevent** irregular migration

Amendment 17

Proposal for a regulation

Article 3 – paragraph 2 – point a – paragraph 1

Text proposed by the Commission

The achievement of this objective shall be measured against indicators such as, inter alia, the number of consular posts equipped, secured and/or enhanced to ensure the efficient processing of visa applications and **provide quality of service** to *visa* applicants

Amendment

The achievement of this objective shall be measured against indicators such as, inter alia, the number of consular posts equipped, secured and/or enhanced to ensure the efficient processing of visa applications and **the number of third country nationals obtaining visas related to the number of** applicants.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) supporting borders management, to ensure, on one hand, a high level of **protection** of external borders and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis

Amendment

(b) supporting borders management, to ensure, on one hand, a high level of **control** of external borders and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis

Amendment 19

Proposal for a regulation

Article 3 – paragraph 2 – point b – paragraph 1

Text proposed by the Commission

The achievement of this objective shall be measured against indicators such as, inter alia, the **development of equipment for border control and the** apprehensions of irregular third-country nationals at the external border in correspondence with the risk of the relevant section of the external border.

Amendment

The achievement of this objective shall be measured against indicators such as, inter alia, the apprehensions of irregular third-country nationals at the external border in correspondence with the risk of the relevant section of the external border **and the number of third-country nationals regularly crossing the same section of the external border.**

Amendment 20

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) supporting the implementation of the asylum acquis at external borders to ensure effective access to the territory of Member States and to the registration procedure for third-country nationals in need of international protection, in accordance with the principle of non-refoulement

The achievement of this objective shall be measured against indicators such as, inter alia, the number of applications for international protection at external borders, the number of entries to the territory of Member States and the number of registrations at the external borders.

Amendment 21

Proposal for a regulation

Article 3 – paragraph 3 – point b

Text proposed by the Commission

(b) gradually establishing an integrated management system for external borders, including the reinforcement of interagency co-operation between migration and law enforcement authorities of Member States at the external borders and measures within the territory and the necessary flanking measures related to document security and identity management;

Amendment

(b) gradually establishing an integrated management system for external borders, including the reinforcement of interagency co-operation between migration, **asylum** and law enforcement authorities of Member States at the external borders and measures within the territory and the necessary flanking measures related to document security and identity management;

Amendment 22

Proposal for a regulation

Article 3 – paragraph 3 – point c

Text proposed by the Commission

(c) promoting the development and implementation of the common policy on visas and other short-stay residence permits, including consular co-operation;

Amendment

(c) promoting the development and implementation of the common policy on visas and other short-stay residence permits, including consular co-operation **and consular coverage, making full use of the practical improvements and flexibility provided by the Community Code on Visas established by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 (Visa Code);**

Amendment 23

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

Text proposed by the Commission

(d) setting up and running IT systems, their communication infrastructure and equipment **supporting** the **management** of **migration flows across** the external borders of the Union;

Amendment

(d) setting up and running IT systems, their communication infrastructure and equipment **that support** the **control** of **crossings at** the external borders of the Union **and fully respect personal data protection legislation**;

Amendment 24

Proposal for a regulation Article 3 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) improving the capacity and the qualifications of all authorities and border guards operating at border-crossing points as regards the execution of their surveillance, advisory and control tasks with respect to international human rights law;

Amendment 25

Proposal for a regulation Article 3 – paragraph 3 – point e

Text proposed by the Commission

(e) ensuring the efficient and uniform application of the Union's acquis on borders and visa, including the functioning of the Schengen evaluation and monitoring mechanism;

Amendment

(e) ensuring the efficient and uniform application of the Union's acquis on borders, **asylum** and visa, including the functioning of the Schengen evaluation and monitoring mechanism;

Amendment 26

Proposal for a regulation

Article 3 – paragraph 3 – point f

Text proposed by the Commission

(f) reinforcing the co-operation between Member States operating in third countries as regards the flows of third-country nationals into the territory of Member States, as well as the co-operation with third countries in this regard.

Amendment

(f) reinforcing the co-operation between Member States operating in third countries as regards the flows of third-country nationals into the territory of Member States, as well as the co-operation with third countries in this regard, ***in full compliance with Union foreign policy principles and subject to the agreement of the European External Action Service.***

Amendment 27

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) infrastructures, buildings and operating equipment required for the processing of visa applications ***and*** consular co-operation;

Amendment

(d) infrastructures, buildings and operating equipment required for the processing of visa applications, consular co-operation ***and other actions aimed at improving the quality of service to visa applicants;***

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) infrastructures and operating equipment required for the reception and registering of asylum-seekers claiming international protection when crossing an external border;

Amendment 29

Proposal for a regulation
Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) training regarding the use of the related systems and promotion of quality management standards;

Amendment 30

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

On the basis of the report, the Commission shall determine which Member States will receive an additional amount. Those Member States which have an increased **threat** level in comparison to the **threat level established** for the calculation made for the budget year 2013 under Decision 574/2007/EC will receive pro rata additional resources.

On the basis of the report, **and after informing the European Parliament, the** Commission shall determine which Member States will receive an additional amount. Those Member States which have an increased level **of risk** in comparison to the **risks identified** for the calculation made for the budget year 2013 under Decision 574/2007/EC will receive pro rata additional resources.

Amendment 31

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) external maritime borders shall mean the outer limit of the territorial sea of the Member States as defined according to Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, **in cases** where long range operations on a regular basis are required **in order to prevent irregular migration/illegal entry**, this **shall** be the outer limit of **high threat areas**. This shall be determined by taking into account the relevant data on these operations in 2014-

(b) external maritime borders shall mean the outer limit of the territorial sea of the Member States as defined according to Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, where long range operations on a regular basis are required **in the case of high risk**, this **can** be the outer limit of **the contiguous zone as defined according to Article 33 of the United Nations Convention on the Law of the Sea**. This shall be determined by taking into account

2016 as provided by the Member States in question.

the relevant data on these operations in 2014-2016 as provided by the Member States in question.

Amendment 32

Proposal for a regulation Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) supporting and expanding the existing capacity at national level *in* the management of the external borders, *bearing in mind inter alia new technology, developments and/or standards in relation to the management of migration flows*;

Amendment

(b) supporting and expanding the existing capacity at national level *as regards visa policy and* the management of the external borders;

Amendment 33

Proposal for a regulation Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) supporting the further development of the management of migration flows by consular and other services of the Member State in third countries, with a view to facilitating *legitimate travel to* and preventing irregular migration into the Union;

Amendment

(c) supporting the further development of the management of migration flows by consular and other services of the Member State in third countries *in full compliance with Union foreign policy*, with a view to *organising and* facilitating *regular migration and mobility and* preventing irregular migration into the Union;

Amendment 34

Proposal for a regulation Article 9 – paragraph 2 – point e

Text proposed by the Commission

(e) ensuring the correct and uniform application of the Union acquis on border control and visa in response to weaknesses

Amendment

(e) ensuring the correct and uniform application of the Union acquis on border control, *asylum* and visa in response to

identified at European level, as evinced in results established in the framework of the Schengen evaluation mechanism;

weaknesses identified at European level, as evinced in results established in the framework of the Schengen evaluation mechanism;

Amendment 35

Proposal for a regulation Article 9 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ensuring the effective monitoring of compliance with international and European obligations, including human rights obligations, in close cooperation with third countries and civil society;

Amendment 36

Proposal for a regulation Article 9 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) increasing the capacity to face upcoming challenges ***including present and future threats and pressures*** at the external borders *of the Union*, taking into account in particular the Frontex risk analysis.

(f) increasing the capacity to face upcoming challenges at the external borders, taking into account in particular the Frontex risk analysis.

Amendment 37

Proposal for a regulation Article 10 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) compliance with the Union acquis on borders and visa;

(a) compliance with the Union acquis on borders, ***asylum*** and visa;

Amendment 38

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Following a Schengen evaluation report, as adopted in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Member State concerned shall examine, together with the Commission and the Frontex Agency, where appropriate, how to address the **findings** and implement the recommendations within the framework of its national programme.

Amendment

Following a Schengen evaluation report, as adopted in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Member State concerned shall examine, together with the Commission and the Frontex Agency, where appropriate, how to address the **deficiencies** and implement the recommendations within the framework of its national programme.

Amendment 39

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

In dialogue with the Commission and the Frontex Agency, where appropriate, **it** shall reallocate resources under its programme, including, where necessary, those programmed for operating support, and/or introduce or amend actions aiming to remedy the weaknesses in accordance with the findings and recommendations of the Schengen evaluation report.

Amendment

Particular attention shall be paid to the financing of corrective actions. In dialogue with the Commission and the Frontex Agency, where appropriate, **the Member State concerned** shall reallocate resources under its programme, including, where necessary, those programmed for operating support, and/or introduce or amend actions aiming to remedy the weaknesses in accordance with the findings and recommendations of the Schengen evaluation report. **Any additional costs shall be eligible for financing under the Instrument.**

Amendment 40

Proposal for a regulation
Article 13 – paragraph 2 – point a

Text proposed by the Commission

(a) to support the preparatory, monitoring, administrative and technical support, development of an evaluation mechanism, required to implement external borders and visa policies, including to implement Schengen governance as determined by the Schengen evaluation and monitoring mechanism as established by the Regulation (EU) No ... on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and the Schengen Borders Code;

Amendment

(a) to support the preparatory, monitoring, administrative and technical support **for the** development of an evaluation mechanism, required to implement external borders, **asylum** and visa policies – **including with regard to compliance with human rights obligations and humanitarian law** – including to implement Schengen governance as determined by the Schengen evaluation and monitoring mechanism as established by the Regulation (EU) No ... on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and the Schengen Borders Code;

Amendment 41

Proposal for a regulation
Article 13 – paragraph 2 – point b

Text proposed by the Commission

(b) to improve the knowledge and understanding of the situation prevailing in the Member States through analysis, evaluation and close monitoring of policies;

Amendment

(b) to improve the knowledge and understanding of the situation prevailing in the Member States **and third countries** through analysis, evaluation and close monitoring of policies;

Amendment 42

Proposal for a regulation
Article 13 – paragraph 2 – point d

Text proposed by the Commission

(d) to support and monitor the implementation of Union law and Union policy objectives in the Member States, and assess their effectiveness and impact;

Amendment

(d) to support and monitor the implementation of Union law and Union policy objectives in the Member States, and assess their effectiveness and impact, **including with regard to the respect of**

human rights and fundamental freedoms;

Amendment 43

Proposal for a regulation

Article 13 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) to support the evaluation of external borders, asylum and visa policies by independent organisations, notably through qualitative surveys of third-country nationals and of relevant authorities implementing these policies;

Amendment 44

Proposal for a regulation

Article 13 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) to support particularly innovative projects developing new methods and/or technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating research projects;

(h) to support particularly innovative projects, ***notably regarding regular migration and mobility***, developing new methods and/or technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating research projects;

Amendment 45

Proposal for a regulation

Annex III – Objective 1 – indent 2

Text proposed by the Commission

Amendment

– staff *cost*

– staff *costs, including for training*

Amendment 46

Proposal for a regulation

Annex III – Objective 2 – indent 2

Text proposed by the Commission

– staff *cost*

Amendment

– staff *costs, including for training*

Amendment 47

**Proposal for a regulation
Annex III – Objective 3 – indent 2**

Text proposed by the Commission

– staff *cost*

Amendment

– staff *costs, including for training*

PROCEDURE

Title	Internal Security Fund - External borders and visas	
References	COM(2011)0750 – C7-0441/2011 – 2011/0365(COD)	
Committee responsible Date announced in plenary	LIBE 15.12.2011	
Opinion by Date announced in plenary	AFET 15.12.2011	
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Discussed in committee	29.5.2012	11.7.2012
Date adopted	6.9.2012	
Result of final vote	+: 36 -: 6 0: 3	
Members present for the final vote	Frieda Brepoels, Elmar Brok, Mário David, Andrzej Grzyb, Anna Ibrisagic, Liisa Jaakonsaari, Anneli Jäätteenmäki, Ioannis Kasoulides, Nicole Kiil-Nielsen, Evgeni Kirilov, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Wolfgang Kreissl-Dörfler, Eduard Kukan, Vytautas Landsbergis, Sabine Lösing, Ulrike Lunacek, María Muñiz De Urquiza, Raimon Obiols, Ria Oomen-Ruijten, Pier Antonio Panzeri, Mirosław Piotrowski, Hans-Gert Pöttering, Cristian Dan Preda, Nikolaos Salavrakos, György Schöpflin, Werner Schulz, Adrian Severin, Marek Siwiec, Charles Tannock, Geoffrey Van Orden, Karim Zéribi	
Substitute(s) present for the final vote	Charalampos Angourakis, Andrew Duff, Tanja Fajon, Hélène Flautre, Emilio Menéndez del Valle, Jean Roatta, Carmen Romero López, Helmut Scholz, Indrek Tarand, Ivo Vajgl	
Substitute(s) under Rule 187(2) present for the final vote	Georgios Papanikolaou, Sophocles Sophocleous	