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Committee on Foreign Affairs

2011/0365(COD)

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DRAFT 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

Amendment

(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 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.

67(2) of the Treaty on the Functioning of 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, *which is fair towards third-country nationals and aims at organising and facilitating regular migration and mobility and preventing irregular* immigration.

Or. en

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

Text proposed by the Commission

Amendment

(2a) The Global Approach to Migration and Mobility, defined in the Commission's Communication of November 2011 and adopted by the Council in May 2012, sets four operational priorities: organising and facilitating regular migration and mobility; preventing and reducing irregular migration and trafficking in human beings; promoting international protection and enhancing the external dimension of asylum policy; and maximising the development impact of migration and mobility. The Communication advocates the reinforcement of the Global Approach, in particular by a stronger integration with Union foreign policy and development cooperation, better aligning it with EU internal policy objectives, notably the Europe 2020 Strategy, but also employment and education policies and placing a stronger focus on international protection and the external dimension of asylum policy, as well as on mobility and visa policy considering that visa policy is an influential instrument for mobility.

Amendment 3
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 rights and the rule of law as well as a strong focus on the global perspective and ***full compliance*** with ***EU foreign policy objectives as laid down in Article 21 TEU*** should be key principles guiding the implementation of the Internal Security Strategy.

Amendment 4
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) This 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 5
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, where necessary, with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the European Union.

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.

Or. en

Amendment 6
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

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 ***organising and***

constitutes an integral part of the common integrated border management system.

facilitating **regular migration** and **mobility and preventing** irregular immigration into the European Union, and constitutes an integral part of the common integrated border management system.

Or. en

Amendment 7
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 **risks** 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.

Or. en

Amendment 8
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 **risks** 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.

Or. en

Amendment 9
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.

Or. en

Amendment 10
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

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 EU supported through Union

action and foreign policy related to the country or region in question. ***They should 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.

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 and the ***agreement of the relevant departments of the European External Action Service will be required.*** Coherence will also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.

Or. en

Amendment 11
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.

Or. en

Amendment 12
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 European Union,

making sure that the Union's commitment to fundamental freedoms and human rights is upheld.

Or. en

Amendment 13
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 EU Strategies, programmes and risk assessments - to the following specific objectives:

Or. en

Amendment 14
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 treatment of third country nationals and *prevent* irregular migration

Or. en

Amendment 15
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.

Or. en

Amendment 16

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

Or. en

Amendment 17

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 18
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 19
Proposal for a regulation
Article 3 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(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;

(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 20
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 EU Visa Code;**

Or. en

Amendment 21
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;**

Or. en

Amendment 22
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

Amendment

(e) ensuring the efficient and uniform application of the Union's acquis on borders, **asylum** and visa, including the

of the Schengen evaluation and monitoring mechanism;

functioning of the Schengen evaluation and monitoring mechanism;

Or. en

Amendment 23
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.***

Or. en

Amendment 24
Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border crossing infrastructures, buildings and systems required at border crossing points and for surveillance between border crossing points ***and effective tackling of illegal crossing of the external borders;***

Amendment

(a) border crossing infrastructures, buildings and systems required at border crossing points and for surveillance between border crossing points;

Or. en

Amendment 25
Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) operating equipment, ***means of transport*** and communication systems required for effective border control and the detection of persons, such as fixed terminals for VIS, SIS and the European Image Archiving System (FADO), ***including state-of-the-art technology***;

Amendment

(b) operating equipment and communication systems required for effective border control and the detection of persons, such as fixed terminals for VIS, SIS and the European Image Archiving System (FADO);

Or. en

Amendment 26
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***;

Or. en

Amendment 27
Proposal for a regulation
Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

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

Amendment

Or. en

Amendment 28
Proposal for a regulation
Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) studies, evaluations and pilot projects aiming to ensure the effective monitoring of compliance with international and European obligations, including human rights obligations, in close cooperation with civil society.

Or. en

Amendment 29
Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Within the objectives defined in Article 3, this instrument shall support actions in relation to and in third countries and in particular the following:

2. Within the objectives defined in Article 3, ***in full compliance with Union foreign policy and subject to the agreement of the European External Action Service***, this instrument shall support actions in relation to and in third countries and in particular the following:

Or. en

Amendment 30
Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) information systems, tools or equipment for sharing information between Member States and third countries;

deleted

Or. en

Amendment 31
Proposal for a regulation
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) studies, impact assessments, evaluations and pilot projects aimed at reducing paperwork in visa proceedings and at developing and reinforcing dialogues on visas facilitation, visas liberalisation and visa-free travel;

Or. en

Amendment 32
Proposal for a regulation
Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) studies, evaluations and pilot projects aiming to ensure the effective monitoring of compliance with international and European obligations , including human rights obligations, in close cooperation with third countries and civil society;

Or. en

Amendment 33
Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) studies, events, training, equipment and pilot projects implementing specific recommendations, operational ***standards*** and best practices, ***resulting from*** the operational cooperation between Member States ***and*** Union agencies ***in*** third

(d) studies, events, training, equipment and pilot projects implementing specific recommendations, operational and ***legal standards as well as*** best practices, ***within the framework of the*** operational cooperation between Member States,

countries.

Union agencies *and* third countries.

Or. en

Amendment 34

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to allocate the amount indicated in point c) of Article 6(1), by 1 June 2017 the Commission shall establish, *on the basis of input and* in consultation with the Frontex Agency, a report which, *in accordance with the Frontex risk analysis*, shall set up *threat* levels at the external borders for the period 2017-2020. *Threat* levels will be based on the burden in border management and on the *threats* that affected security at the external borders of the Member States in 2014-2016 and they will take into account inter alia possible future trends on migratory flows and unlawful activities at the external borders considering the likely political, economic and social developments in the third countries concerned, in particular in neighbouring countries.

Amendment

In order to allocate the amount indicated in point c) of Article 6(1), by 1 June 2017 the Commission shall establish, in consultation with the *European External Action Service and taking into consideration the Frontex risk analysis*, a report which shall set up *risk* levels at the external borders for the period 2017-2020. *Risk* levels will be based on the burden in border management and on the *challenges* that affected security at the external borders of the Member States in 2014-2016 and they will take into account inter alia possible future trends on migratory flows and unlawful activities at the external borders considering the likely political, economic and social developments in the third countries concerned, in particular in neighbouring countries.

Or. en

Amendment 35

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The report shall determine the level of *threat* for each section of the external border by multiplying the length of the border section concerned with the weighing attributed to it as follows:

Amendment

The report shall determine the level of *risk* for each section of the external border by multiplying the length of the border section concerned with the weighing attributed to it as follows:

Or. en

Amendment 36
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point a – point i

Text proposed by the Commission

Amendment

(i) factor 1 for normal **threat**

(i) factor 1 for normal **risk**

Or. en

Amendment 37
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point a – point ii

Text proposed by the Commission

Amendment

(ii) factor 3 for medium **threat**

(ii) factor 3 for medium **risk**

Or. en

Amendment 38
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point a – point iii

Text proposed by the Commission

Amendment

(iii) factor 5 for high **threat**;

(iii) factor 5 for high **risk**;

Or. en

Amendment 39
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point b – point i

Text proposed by the Commission

Amendment

(i) factor 1 for normal **threat**

(i) factor 1 for normal **risk**

Amendment 40
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point b – point ii

Text proposed by the Commission

Amendment

(ii) factor 3 for medium **threat**

(ii) factor 3 for medium **risk**

Or. en

Amendment 41
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point b – point iii

Text proposed by the Commission

Amendment

(iii) factor 5 for high **threat**.

(iii) factor 5 for high **risk**.

Or. en

Amendment 42
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.

Or. en

Amendment 43
Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(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 2014-2016 as provided by the Member States in question.

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

Or. en

Amendment 44
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 *in visa policy and in the* management of the external borders;

Or. en

Amendment 45
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;

Or. en

Amendment 46
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 identified at European level, as evinced in results established in the framework of the Schengen evaluation mechanism;

Amendment

(e) ensuring the correct and uniform application of the Union acquis on border control, ***asylum*** and visa in response to weaknesses identified at European level, as evinced in results established in the framework of the Schengen evaluation mechanism;

Or. en

Amendment 47
Proposal for a regulation
Article 9 – paragraph 2 – point e a (new)

Text proposed by the Commission

(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

Or. en

Amendment 48
Proposal for a regulation
Article 9 – paragraph 2 – point f

Text proposed by the Commission

(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.

Amendment

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

Or. en

Amendment 49
Proposal for a regulation
Article 10 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 50
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

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 to verify the application of the Schengen acquis and the Schengen Borders Code;

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;

Or. en

Amendment 51
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;

Or. en

Amendment 52
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 on respect for human rights**;

Or. en

Amendment 53
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;

Or. en

Amendment 54
Proposal for a regulation
Article 13 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) to boost the capacity of European networks to ***promote, support*** and further develop Union policies and objectives;

(g) to boost the capacity of European networks to ***assess*** and further develop Union policies and objectives;

Or. en

Amendment 55
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;

Or. en