



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Budgets*

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**2011/0365(COD)**

14.9.2012

## **OPINION**

of the Committee on Budgets

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))

Rapporteur: Monika Hohlmeier

PA\_Legam

## SHORT JUSTIFICATION

### Funding

In June 2011, the Commission presented its proposal on the Multiannual Financial Framework and in November 2011 the sectoral regulations in the area of home affairs.

For this part (excluding Justice and Rights and Citizenship) of the present Heading 3 A, the Commission proposed an overall indicative budget of EUR 10 911 million for the period 2014-2020.

This figure covers spending on financial programmes but also funding for large-scale IT systems and the EU agencies active in the home affairs area.

Home affairs budget 2014-2020	EUR million (current prices)
Asylum and Migration Fund <i>including Resettlement Programme and European Migration Network</i>	3,869
Internal Security Fund <i>including new large-scale IT systems</i>	4,648
Existing large-scale IT systems and IT Agency	822
Agencies <i>(Europol, Frontex EASO, Cefpol and EMCDDA)</i>	1,572
<b>Total</b>	<b>10,911</b>

The Commission's proposal includes an envelope of EUR 4 648 million (in current prices) for the Internal Security Fund for the period 2014-2020, of which an amount of EUR 3,520 million is foreseen for this specific instrument for external borders and visa.

	EUR million
<b>Internal Security Fund</b> <i>including new IT systems</i>	4,648
- Police cooperation instrument	1,128
<b>- Border instrument</b>	<b>3,520</b>

Approximately, about 61% of this amount (EUR 2,150 million) should be used for national programmes of Member States and the support to the Special Transit Scheme implemented by Lithuania. 31% (EUR 1,100 million) and the remainder should then be available to fund Union actions, emergency actions and technical assistance. The contributions expected from the Schengen associated countries would be added to the total envelope.

### Legislation

The Commission proposes to simplify the structure of the home affairs programmes by reducing the number of Funds to two, the Asylum and Migration Fund and the **present Internal Security Fund**. The Internal Security Fund will support the implementation of the Internal Security Strategy<sup>1</sup> and thus a coherent and comprehensive approach to law

<sup>1</sup> COM(2010)673 final of 22 November 2010

enforcement cooperation, including the management of the EU's external borders. In view of the different Treaty bases necessary to cover the strategic objectives of the Internal Security Fund, it is not possible to establish this Fund with a single instrument. Therefore, the Internal Security Fund is set up through two separate instruments (the present instrument for financial support for external borders and visa<sup>1</sup> and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management<sup>2</sup>) which jointly constitute the Fund.

### **The amendments**

The shared management method is more and more considered appropriate for all home affairs policy areas and has been extended to the area of internal security where it was not used previously. Consequently, it has to be ensured that the implementation in shared management is in line with the provisions of the Financial regulation. Therefore, your rapporteur proposes some amendments in order to strengthen control on implementation in shared management and to bring in line the wording with the revised Financial regulation.

Further, in order to ensure an EU added value of the funds and efficient spending, also eligible actions in relation to third countries should be considered in the light of the conclusions of the policy dialogue (as established in Article 13 of the General Provisions).

## **AMENDMENTS**

The Committee on Budgets 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**

#### **Draft legislative resolution Paragraph 1 a (new)**

*Draft legislative resolution*

*Amendment*

***1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and cannot be fixed until agreement is reached on the proposal for a regulation laying down the multiannual financial framework for the years 2014-2020;***

### **Amendment 2**

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<sup>1</sup> COM(2011)750 of 15 November 2011

<sup>2</sup> COM(2011)753 of 15 November 2011

**Draft legislative resolution**  
**Paragraph 1b (new)**

*Draft legislative resolution*

*Amendment*

***1b. Recalls its resolution of 8 June 2011 on "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"<sup>1</sup>; reiterates that sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil the existing policy priorities and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; points out that even with an increase in the level of resources for the next MFF of at least 5% compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity; challenges the Council, if it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value;***

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***1 Texts adopted, P7\_TA(2011)0266.***

**Amendment 3**

**Draft legislative resolution**  
**Paragraph 1 c (new)**

*Draft legislative resolution*

*Amendment*

***1c. Emphasises that, in view of the tasks already identified and concluded by the Union, the Commission needs to reflect those policy priorities in a foresighted and adequate manner in the proposal;***

## Amendment 4

### Draft legislative resolution Paragraph 1 d (new)

*Draft legislative resolution*

*Amendment*

***1d. Reiterates that the Lisbon Treaty provides for delegated acts only as non-legislative acts of general application relating to non-essential elements of a legislative act; therefore upholds its criticism of the widespread use of delegated acts and insists that any essential element must be laid down in the legislative act in question;***

## Amendment 5

### Proposal for a regulation Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) In its resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"<sup>1</sup>, the European Parliament stressed the need for an integrated approach towards pressing immigration, asylum questions as well as towards the management of the external borders of the Union, with sufficient funding and support tools to handle emergency situations made available in a spirit of respect for human rights and solidarity amongst all Member States, respecting national responsibilities and a clear definition of tasks. It further noted that, in this regard, the increased challenges of FRONTEX, the European Asylum Support Office and the Funds on Solidarity and Management of Migration Flows need to be duly taken into consideration.***

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

*Justification*

*Paragraph 107 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

**Amendment 6**

**Proposal for a regulation**

**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) In its resolution of 8 June 2011<sup>1</sup>, the European Parliament, further emphasised the need of developing better synergies between different funds and programs and points to the fact that the simplification of management of funds and allowing cross-financing enable the allocation of more funds to common objectives, welcomed the Commission's intention to reduce the total number of budgetary instruments in Home Affairs in a two-pillar structure and, where possible, under shared management and expressed its belief that this approach should contribute significantly to an increased simplification, rationalisation, consolidation and transparency of the current funds and programmes. It stressed, however, the need to ensure that the different objectives of home affairs policies will not be mixed up.***

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

*Justification*

*Paragraph 109 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

**Amendment 7**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The global resources for this Regulation and for Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime and crisis management should jointly establish the financial envelope for the entire duration of the Fund, which should constitute the prime reference for the budgetary authority during the annual budgetary procedure in accordance with Point 17 of the Interinstitutional Agreement.***

*Justification*

*To mirror recital 8 of the proposal for a regulation establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime and crisis management (COM(2011)368).*

**Amendment 8**

**Proposal for a regulation**  
**Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

***(26a) Spending of funds in this area should be better coordinated in order to assure complementarity, a better efficiency and visibility, as well as to achieve better budgetary synergies.***



## **Amendment 9**

### **Proposal for a regulation Recital 26 b (new)**

*Text proposed by the Commission*

*Amendment*

***(26b) There is a need to maximise the impact of EU funding by mobilising, pooling and leveraging public and private financial resources.***

## **Amendment 10**

### **Proposal for a regulation Recital 26 c (new)**

*Text proposed by the Commission*

*Amendment*

***(26c) Utmost transparency, accountability and democratic scrutiny for innovative financial instruments and mechanisms that involve the Union budget should be ensured.***

## **Amendment 11**

### **Proposal for a regulation Recital 26 d (new)**

*Text proposed by the Commission*

*Amendment*

***(26d) Improving implementation and quality of spending should constitute guiding principles for achieving the objectives of the Instrument while ensuring optimal use of the financial resources.***

## Amendment 12

### Proposal for a regulation Recital 26 e (new)

*Text proposed by the Commission*

*Amendment*

***(26e) It is important to ensure the sound financial management of the Instrument and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the Instrument to all participants.***

## Amendment 13

### Proposal for a regulation Recital 26 f (new)

*Text proposed by the Commission*

*Amendment*

***(26f) The Commission should annually monitor the implementation of the Instrument with the aid of key indicators for assessing results and impacts. The indicators, including relevant baselines, should provide the minimum basis for assessing the extent to which the objectives of the Instrument have been achieved.***

## Amendment 14

### Proposal for a regulation Recital 26 g (new)

*Text proposed by the Commission*

*Amendment*

***(26g) Where the Commission implements the budget under shared management, implementation tasks should be delegated to Member States. The Commission and the Member States should respect the principles of sound financial management, transparency and***

*non-discrimination and ensure the visibility of Union action when they manage Union funds. To this end, the Commission and the Member States should fulfil their respective control and audit obligations, and assume the resulting responsibilities laid down in this Regulation. Complementary provisions should be laid down in sector-specific rules.*

## Amendment 15

### Proposal for a regulation Recital 28

*Text proposed by the Commission*

(28) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

*Amendment*

(28) The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of **all** relevant documents to the European Parliament and to the Council."

## Amendment 16

### 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 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 **as well as the interoperability of acquired technical equipment**;

## *Justification*

*In order to guarantee an efficient spending of EU funds, it is necessary to ensure that acquired technical equipment for the fulfilment of tasks within the objectives of this Regulation is interoperable and does not lead to parallel developments without EU added value.*

### **Amendment 17**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

2. Within the objectives defined in Article 3, ***and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of Regulation (EU) No .../2012 [Horizontal Regulation]***, this instrument shall support actions in relation to and in third countries and in particular the following:

### **Amendment 18**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The global resources for the implementation of this Regulation shall be 3,520 EUR million.

*Amendment*

1. The ***indicative*** global resources for the implementation of this Regulation shall be 3,520 EUR million.

### **Amendment 19**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 2**

*Text proposed by the Commission*

2. The annual appropriations shall be authorised by the budgetary authority ***within the limits of the Financial Framework.***

*Amendment*

2. The annual appropriations ***for the Fund*** shall be authorised by the budgetary authority ***without prejudice to the provisions of the Regulation laying down***

*the multiannual financial framework for the years 2014-2020 and the Interinstitutional Agreement of xxx/201z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management.*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 5 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

4. The budget allocated under the Instrument shall be implemented under shared management in accordance with Article 55(1)(b) of Regulation (EU) N° .../2012 [New Financial Regulation], ***with the exception of Union actions referred to in Article 13, the emergency assistance referred to in Article 14 and the technical assistance referred to in Article 16(1).***

*Amendment*

4. The budget allocated under the Instrument shall be implemented under ***direct management (in particular the Union actions referred to in Article 13, the emergency assistance referred to in Article 14 and the technical assistance referred to in Article 16(1))*** or under shared management in accordance with Article 55(1)(b) of Regulation (EU) N° .../2012 [New Financial Regulation].

*Justification*

*Implementation of the EU's budget under shared management should be the exception, not the rule.*

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Commission remains responsible for the implementation of the Union budget in accordance with Article 317 TFEU and shall inform the European Parliament and the Council on the operations carried out by entities other than Member States.***

*Justification*

*Bringing the wording into line with the revised Financial Regulation.*

**Amendment 22**

**Proposal for a regulation**

**Article 5 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. *The* global resources shall be used indicatively as follows:

*Amendment*

5. ***Without prejudice to the prerogatives of the budgetary authority, the*** global resources shall be used indicatively as follows:

**Amendment 23**

**Proposal for a regulation**

**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. EUR 2,000 million shall be allocated to the Member States indicatively as follows:

*Amendment*

1. ***Without prejudice to the prerogatives of the budgetary authority,*** EUR 2,000 million shall be allocated to the Member States indicatively as follows:

## PROCEDURE

<b>Title</b>	Internal Security Fund - External borders and visas
<b>References</b>	COM(2011)0750 – C7-0441/2011 – 2011/0365(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 15.12.2011
<b>Opinion by</b> Date announced in plenary	BUDG 15.12.2011
<b>Rapporteur</b> Date appointed	Monika Hohlmeier 15.2.2012
<b>Date adopted</b>	6.9.2012
<b>Result of final vote</b>	+ :                 30 - :                 2 0 :                 2
<b>Members present for the final vote</b>	Marta Andreasen, Richard Ashworth, Reimer Böge, Zuzana Brzobohatá, Jean-Luc Dehaene, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Jens Geier, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, George Lyon, Claudio Morganti, Jan Mulder, Juan Andrés Naranjo Escobar, Dominique Riquet, Derek Vaughan, Angelika Werthmann
<b>Substitute(s) present for the final vote</b>	Burkhard Balz, Maria Da Graça Carvalho, Edit Herczog, Jürgen Klute, Constanze Angela Krehl, Peter Šťastný, Georgios Stavrakakis
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Luigi Berlinguer