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*Committee on Civil Liberties, Justice and Home Affairs*

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**2011/0368(COD)**

12.12.2012

# **DRAFT MANDATE**

## **for interinstitutional negotiations<sup>1</sup>**

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 police cooperation, preventing and combating crime, and crisis management

(COM(2011)0753 – C7-0445/2011 – 2011/0368(COD))

Committee on Civil Liberties, Justice and Home Affairs

Salvatore Iacolino

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<sup>1</sup> Adopted by the Committee on Civil Liberties, Justice and Home Affairs at its meeting on 10 December 2012 according to rule 70(2) of Parliament's Rules of Procedure

### ***Symbols for procedures***

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

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

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

## **Amendment 1**

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

*Text proposed by the Commission*

*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**

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

*Text proposed by the Commission*

*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 its existing policy priorities and the new tasks provided for in the TFEU, as well as to respond to unforeseen events; calls on 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; 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;*

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

### **Amendment 3**

#### **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 the Union) should be achieved, inter alia, through measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries.

*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 measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities of Member States, ***other national authorities and relevant Union bodies***, and with relevant third-countries ***and international organisations***. ***This objective should be achieved while ensuring respect for human rights in accordance with the provisions of the Charter of Fundamental Rights and with the Union's international obligations.***

### **Amendment 4**

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

##### **Recital 2**

*Text proposed by the Commission*

(2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism and

*Amendment*

(2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism and

organised crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms, inter alia, continue to challenge the internal security of the Union.

organised crime, drug trafficking, corruption, cyber crime, **cyber security**, trafficking in human beings and arms, inter alia, continue to challenge the internal security of the Union.

## Amendment 5

### Proposal for a regulation

#### Recital 4

##### *Text proposed by the Commission*

(4) 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*

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

##### *Justification*

*Parliament has already called for coherence in EU actions in regard to internal and external security, in the Report on the Internal Security Strategy.*

## Amendment 6

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) To promote the implementation of the Internal Security Strategy and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support by setting up an Internal Security Fund.

##### *Amendment*

(5) To promote the implementation of the Internal Security Strategy and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support by setting up ***and managing*** an Internal Security Fund.

## **Amendment 7**

### **Proposal for a regulation Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Cross-border crimes such as human trafficking and exploitation of illegal immigration by criminal organisations may be tackled effectively through judicial and police cooperation.***

*Justification*

*Crime's infiltration into the legitimate economy is one of the factors distorting the internal market.*

## **Amendment 8**

### **Proposal for a regulation Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Tackling organised crime effectively is fundamental to protecting the legitimate economy from typical criminal activities such as laundering of the proceeds of crime.***

*Justification*

*Crime's infiltration into the legitimate economy is one of the factors distorting the internal market.*

## Amendment 9

### Proposal for a regulation Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

***(8b) In times of austerity for Union policies, overcoming economic problems calls for renewed flexibility, innovative organisational measures, better use of existing structures, and coordination between the Union's institutions, agencies and national authorities and with third countries.***

*Justification*

*The economic crisis calls for flexible and innovative responses in order to be just as effective as before in fighting organised crime.*

## Amendment 10

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*Amendment*

(9) Within the comprehensive framework of the Internal Security Fund, the financial assistance provided under this Instrument should support police cooperation, exchange of and access to information, crime prevention, the fight against cross-border, serious and organised crime including terrorism, the protection of people and critical infrastructure against security related incidents and the effective management of security related risks and crisis, taking into account common policies (strategies, programmes and action plans), legislation and practical co-operation.

(9) Within the comprehensive framework of the Internal Security Fund, the financial assistance provided under this Instrument should support police cooperation, exchange of and access to information, crime prevention, the fight against cross-border, serious and organised crime including terrorism, ***trafficking in human beings and child sexual exploitation and distribution of child abuse images***, the protection of people and critical infrastructure against security related incidents and the effective management of security related risks and crisis, taking into account common policies (strategies, programmes and action plans), legislation and practical co-operation.

## *Justification*

*Trafficking in human beings and child sexual exploitation are among the worst forms of serious and organized crime. They should be mentioned specifically in this Recital.*

### **Amendment 11**

Proposal for a regulation

#### **Recital 10**

*Text proposed by the Commission*

(10) Financial assistance in these areas should in particular support actions **promoting** cross-border joint operations, access to and exchange of information, exchange of best practices, facilitated and secure communication and coordination, training and exchange of staff, analytical, monitoring and evaluation activities, comprehensive threat and risk assessments, awareness raising activities, testing and validation of new technology, forensic science research and the acquisition of technical interoperable equipment.

*Amendment*

(10) Financial assistance in these areas should in particular support **actions aimed at improving the cooperation between the Member States and the European Police Office (EUROPOL)**. **These actions should promote** cross-border joint operations, access to and exchange of information, exchange of best practices, facilitated and secure communication and coordination, training and exchange of staff, analytical, monitoring and evaluation activities, comprehensive threat and risk assessments, **cooperation between Member States and relevant EU bodies**, awareness raising activities, testing and validation of new technology, forensic science research and the acquisition of technical interoperable equipment. **Financial assistance in these areas should only support actions, which are in line with Union priorities and initiatives that have been endorsed by the European Parliament and the Council.**

### **Amendment 12**

Proposal for a regulation

#### **Recital 11**

*Text proposed by the Commission*

(11) Measures in and in relation to third countries supported through this Instrument should be taken in synergy and coherence with other actions outside the Union supported through Union external

*Amendment*

(11) Measures in and in relation to third countries supported through this Instrument 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 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 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.

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, ***democratic principles and values, fundamental liberties and rights, the rule of law and the sovereignty of third countries***. 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.

### **Amendment 13**

Proposal for a regulation

#### **Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Pursuant to Article 3 of the Treaty on European Union, the Instrument should aim to ensure the protection of the rights of the child, including the protection of children against violence, abuse, exploitation and neglect. The Instrument should support in particular safeguards and assistance of child witnesses and victims, and special protection and support for unaccompanied children or children otherwise in need of guardianship. Regular monitoring and evaluation, including monitoring of expenditure should be carried out to assess the way in which the protection of children is addressed in the Instrument's activities.***

*Justification*

*The EU has committed itself to protecting the rights of the child. These efforts need to be made visible in the implementation and execution of this Regulation.*

**Amendment 14**

**Proposal for a regulation**

**Recital 13**

*Text proposed by the Commission*

(13) To ensure a uniform implementation of the Internal Security Fund, the Union budget allocated to this financial instrument should be implemented by *shared* management, with the exception of actions *of particular interest to the Union (Union actions), emergency assistance and technical assistance*, which are implemented in *direct and indirect* management.

*Amendment*

(13) To ensure a uniform implementation of the Internal Security Fund ***and efficient management of actions of particular interest to the Union (Union actions), emergency assistance and technical assistance***, the Union budget allocated to this financial instrument should be implemented by ***direct and indirect*** management, with the exception of actions ***requiring administrative flexibility and national programmes***, which are implemented in ***shared*** management.

*Justification*

*Implementation of the Union budget by shared management should be the exception and not the rule (cf. Article 55 of the Financial Regulation).*

**Amendment 15**

**Proposal for a regulation**

**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) For the resources implemented under shared management, it is necessary to ensure that the Member States' national programmes are fully aligned with EU-level priorities and objectives.***

*Justification*

*Lessons learned from the mid-term review and consulting stakeholders suggest that shared management should be more results-oriented and a common regulatory framework should be*

*drawn up.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Recital 14**

##### *Text proposed by the Commission*

(14) The resources allocated to Member States for implementation through their national programmes should be distributed on the basis of clear **and** objective criteria relating to the public goods to be protected by Member States and the degree of their financial capacity to ensure a high level of internal security, such as the size of their population, their territorial size, the number of passengers and cargo processed through international air and seaports, **the number of European critical infrastructure** and their gross domestic product.

##### *Amendment*

(14) The resources allocated to Member States for implementation through their national programmes should be distributed on the basis of clear, objective **and measurable** criteria relating to the public goods to be protected by Member States and the degree of their financial capacity to ensure a high level of internal security, such as the size of their population, their territorial size, the number of passengers and cargo processed through international air and seaports, and their gross domestic product.

##### *Justification*

*The changes are in line with changes proposed for Article 10.*

## **Amendment 17**

### **Proposal for a regulation**

#### **Recital 16**

##### *Text proposed by the Commission*

(16) The ceiling for resources **which remain at the disposal of the Union should be equal to the resources** allocated to Member States for the implementation of their national programmes. **This will ensure that** the Union is able, in a given budget year, to support actions which are of particular interest to the Union, such as

##### *Amendment*

(16) The ceiling for resources allocated to Member States for the implementation of their national programmes **should be higher than the resources at the disposal of the European Union for its actions. To this end, Member States' capacity to use the funds available needs to be enhanced through better training for their**

studies, testing and validation of new technologies, transnational projects, networking and exchange of best practices, monitoring of the implementation of relevant Union law and Union policies and actions in relation to and in third-countries. The actions supported should be in line with the priorities identified in relevant Union strategies, programmes, action plans and risk and threat assessments.

***authorities concerned. However, the Union should be guaranteed adequate resources at its disposal to ensure that it is able, in a given budget year, to support actions which are of particular interest to the Union, such as studies, testing and validation of new technologies, transnational projects, networking and exchange of best practices, monitoring of the implementation of relevant Union law and Union policies and actions in relation to and in third-countries. The actions supported should be in line with the priorities identified in relevant Union strategies, including a cyber security strategy, programmes, action plans and risk and threat assessments.***

## **Amendment 18**

### **Proposal for a regulation Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The TFEU provides for delegated acts only as non-legislative acts of general application relating to non-essential elements of a legislative act. Any essential element should be laid down in the legislative act in question.***

## **Amendment 19**

### **Proposal for a regulation Recital 18 b (new)**

*Text proposed by the Commission*

*Amendment*

***(18b) Spending of EU and Member States' 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 20**

### **Proposal for a regulation**

#### **Recital 18 c (new)**

*Text proposed by the Commission*

*Amendment*

***(18c) There is a need to maximise the impact of EU funding by mobilising, pooling and leveraging public financial resources.***

## **Amendment 21**

### **Proposal for a regulation**

#### **Recital 18 d (new)**

*Text proposed by the Commission*

*Amendment*

***(18d) Utmost transparency, accountability and democratic scrutiny should be ensured for mechanisms that involve the EU budget.***

## **Amendment 22**

### **Proposal for a regulation**

#### **Recital 18 e (new)**

*Text proposed by the Commission*

*Amendment*

***(18e) Better implementation and quality of spending should constitute guiding principles for achieving the objectives of the programme while ensuring optimal use of the financial resources.***

## Amendment 23

### Proposal for a regulation Recital 18f (new)

*Text proposed by the Commission*

*Amendment*

***(18f) When the Commission implements the Union 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 24

### Proposal for a regulation Recital 18 g (new)

*Text proposed by the Commission*

*Amendment*

***(18g) There is a need to ensure sound financial management of the programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the programme to all participants.***

## Amendment 25

### Proposal for a regulation Recital 18 h(new)

*Text proposed by the Commission*

*Amendment*

***(18h) The Commission should annually monitor the implementation of the Instrument with the aid of key indicators for assessing results and impacts. These indicators, including relevant baselines, should provide the minimum basis for assessing the extent to which the objectives of the programmes have been achieved.***

## Amendment 26

### Proposal for a regulation Recital 23

*Text proposed by the Commission*

*Amendment*

***(23) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen acquis which falls within the areas referred to in Article 1, Point H of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis.***

***deleted***

*Justification*

*This Regulation does not constitute a development of the Schengen acquis.*

## Amendment 27

### Proposal for a regulation Recital 24

*Text proposed by the Commission*

*Amendment*

***(24) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, Point H of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC on the conclusion, on behalf of the European Community, of the Agreement.***

*deleted*

*Justification*

*This Regulation does not constitute a development of the Schengen acquis.*

## Amendment 28

### Proposal for a regulation Recital 25

*Text proposed by the Commission*

*Amendment*

***(25) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union,***

*deleted*



*the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, Point H of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU on the conclusion, on behalf of the Union, of the Protocol.*

*Justification*

*This Regulation does not constitute a development of the Schengen acquis.*

**Amendment 29**

**Proposal for a regulation  
Article 2 – point b**

*Text proposed by the Commission*

(b) ‘exchange of and access to information’ means the collection, storage, processing, analysis and exchange of information relevant to law enforcement authorities in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border, serious and organised crimes.

*Amendment*

(b) ‘exchange of and access to information’ means the **secure** collection, storage, processing, analysis and exchange of information relevant to law enforcement authorities **in the Union** in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border, serious and organised crimes.

**Amendment 30**

**Proposal for a regulation  
Article 2 – point d**

*Text proposed by the Commission*

(d) ‘organised crime’ means a **punishable** conduct **committed** by a structured group **of three or more persons, existing for a period of time and acting in concert in**

*Amendment*

(d) ‘organised crime’ means a conduct by a structured group **that exists** for a period of time **sufficient for the conduct to be more than occasional**, and **that comprises** more

*order* to obtain, directly or indirectly, a financial or other *material* benefit.

*than two persons who are bound by a partnership obligation and who act in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, and where the aim of that conduct is to obtain, directly or indirectly, including by intimidation, a financial or other benefit;*

### Amendment 31

#### Proposal for a regulation Article 2 – point f

*Text proposed by the Commission*

(f) 'risk and crisis management' means any measure relating to the assessment, prevention, preparedness and consequence management of terrorism and other security-related risks.

*Amendment*

(f) 'risk and crisis management' means any measure relating to the assessment, prevention, preparedness and consequence management of terrorism, *organised crime* and other security-related risks.

### Amendment 32

#### Proposal for a regulation Article 2 – point h

*Text proposed by the Commission*

h) 'consequence management' means the effective coordination of *measures* taken in order to react to and to reduce the impact of the effects of a terrorist attack or any other security related incident *in order to ensure an effective coordination of actions at national and/or EU level.*

*Amendment*

h) 'consequence management' means the effective coordination of *actions* taken *at national and/or EU level* in order to react to and to reduce the impact of the effects of a terrorist attack or any other security related incident.

## Justification

*The proposed reformulation makes the text a great deal clearer.*

### Amendment 33

#### Proposal for a regulation Article 2 – point i

*Text proposed by the Commission*

i) 'critical infrastructure' means **any physical resources, services, information technology facilities, networks and infrastructure assets** which, **if disrupted or destroyed**, would have a **serious** impact on **critical societal functions, including the supply chain, health, safety, security, economic or social well-being of people or of the functioning of the Union or its Member States**.

*Amendment*

i) 'critical infrastructure' means **an asset, network, system or part thereof located in Member States** which **is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption, the breach or destruction of which** would have a **significant** impact **in a Member State or in the Union as a result of the failure to maintain those functions**;

### Amendment 34

#### Proposal for a regulation Article 3 – paragraph 2 – point a – paragraph 1

*Text proposed by the Commission*

a) preventing and combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries.

*Amendment*

a) preventing and combating cross-border, serious and organised crime including terrorism, **trafficking in human beings, exploitation of illegal immigration, child sexual exploitation, distribution of child abuse images, cybercrime and laundering of the proceeds of crime**, and reinforcing coordination and cooperation between law enforcement authorities of Member States **and relevant Union bodies** and with relevant third-countries **and international**

*organisations.*

### **Amendment 35**

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

#### **Article 3 – paragraph 2 – point a – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*The achievement of this objective shall be measured against indicators such as, inter alia, the number of cross-border-joint operations and the number of best practice documents and events organised.*

*deleted*

*Justification*

*A specific amendment describing indicators to measure achievement of the objectives has been proposed.*

### **Amendment 36**

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

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

*Text proposed by the Commission*

*Amendment*

*(ba) enhancing the capacity of Member States to cooperate with Europol and to make a better use of Europol's products and services.*

## Amendment 37

### Proposal for a regulation

#### Article 3 – paragraph 2 – point b – paragraph 2

*Text proposed by the Commission*

*Amendment*

*The achievement of this objective shall be measured against indicators such as, inter alia, the number of tools put in place and/or further upgraded to facilitate the protection of critical infrastructure by Member States in all sectors of the economy and the number of threat and risk assessments produced at the level of the Union.*

*deleted*

*Justification*

*A specific amendment describing indicators to measure achievement of the objectives has been proposed..*

## Amendment 38

### Proposal for a regulation

#### Article 3 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. To achieve these objectives, the Instrument shall contribute to the following operational objectives ***by promoting and developing***:

3. To achieve these objectives, the instrument shall contribute to the following operational objectives:

*Justification*

*The change is in line with other amendments to Article 3(3).*

## Amendment 39

### Proposal for a regulation

#### Article 3 – paragraph 3 – point a

*Text proposed by the Commission*

a) measures (methodologies, tools, structures) strengthening Member States' capability to prevent and combat cross-border, serious and organised crime **including** terrorism, in particular through public-private partnerships, the exchange of information and best practices, access to data, interoperable technologies, comparable statistics, applied criminology, public communication and awareness raising.

*Amendment*

a) ***promote and develop*** measures (methodologies, tools, structures) strengthening Member States' capability to prevent and combat cross-border, serious and organised crime, ***cybercrime or*** terrorism, in particular through public-private partnerships, the exchange of information and best practices, access to data, interoperable technologies, comparable statistics, applied criminology, public communication and awareness raising.

## Amendment 40

### Proposal for a regulation

#### Article 3 – paragraph 3 – point b

*Text proposed by the Commission*

b) administrative and operational coordination, cooperation, mutual understanding and the exchange of information among Member States' law enforcement authorities, other national authorities, relevant Union bodies and, where appropriate, with third-countries.

*Amendment*

b) ***promote and develop*** administrative and operational coordination, cooperation, mutual understanding and the exchange of information among Member States' law enforcement authorities, other national authorities, relevant Union bodies and, where appropriate, with third-countries ***and international organisations.***

## Amendment 41

**Proposal for a regulation**  
**Article 3 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) training schemes ***in implementation of European training policies***, including through specific Union law enforcement exchange programmes, in order to foster a genuine European judicial and law enforcement culture.

*Amendment*

(c) ***promote and develop*** training schemes ***regarding knowledge of obligations relating to respect for human rights and fundamental freedoms and in implementation of European training policies***, including through specific Union law enforcement exchange programmes, in order to foster a genuine European judicial and law enforcement culture.  
*(This amendment also applies to points (d) to (g); technical adjustments to said points should be made.)*

**Amendment 42**

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

*Text proposed by the Commission*

(d) measures and best practices for ***the*** protection and support of witnesses and victims of crime.

*Amendment*

(d) ***promote and develop*** measures, ***mechanisms*** and best practices for ***early identification***, protection and support of witnesses and victims of crime, ***in particular safeguards and assistance of child witnesses and victims, and special protection and support for unaccompanied children or children otherwise in need of guardianship.***

*Justification*

*Witnesses and victims of crime do not only need protection and support but also need to be identified as early as possible. The EU has committed itself to protecting the rights of the child. These efforts need to be made visible in the implementation and execution of this Regulation.*

**Amendment 43**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – point g**

*Text proposed by the Commission*

(g) measures (methodologies, tools and structures) strengthening the administrative and operational capacity of the Member States and the Union to develop comprehensive threat and risk assessments in order to enable the Union to develop integrated approaches based on common and shared appreciations in crisis situations and to enhance mutual understanding of Member States' and partner countries' various definitions of threat levels.

*Amendment*

(g) ***promote and develop*** measures (methodologies, tools and structures) strengthening the administrative and operational capacity of the Member States and the Union to develop comprehensive threat and risk assessments, ***which are evidence based and in line with Union priorities and initiatives that have been endorsed by the European Parliament and the Council***, in order to enable the Union to develop integrated approaches based on common and shared appreciations in crisis situations and to enhance mutual understanding of Member States' and partner countries' various definitions of threat levels.

*Justification*

*No funds should be used as conduits for the financing of measures or practices that have not first been approved by a political agreement at the level of the European Parliament and Council.*

**Amendment 44**

**Proposal for a regulation**

**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 3a***

***Indicators***

***The achievement of the specific objectives referred to in Article 3 shall be assessed on the basis of clearly pre-defined, transparent and measurable performance indicators, in particular such as:***



- a) the number of joint cross-border operations;*
- b) the number and percentage of members of staff of the competent authorities referred to in Article 87 of the Treaty on the Functioning of the European Union (TFEU) who have taken part in training activities, staff exchanges, study visits, meetings and seminars funded by the programme;*
- c) the number and quality of codes of good practice drawn up and events organised;*
- d) the number of tools put in place and/or upgraded to facilitate the protection of critical infrastructure by Member States in all sectors of the economy, and the number of threat and risk assessments produced at Union level;*
- e) the number of contributions sent to Europol databases and the number of cases initiated.*

*Member States shall provide the Commission with the necessary information that is required for the assessment of the achievements, as measured against the indicators.*

## **Amendment 45**

### **Proposal for a regulation Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) actions improving police cooperation **and** coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;

*Amendment*

(a) actions improving police cooperation, coordination between law enforcement authorities **and inter-agency collaboration**, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies, **such as the extension of Europol Secure Information**

*Exchange Network Application (SIENA)  
or the implementation of data loaders for  
the Europol information system;*

**Amendment 46**

**Proposal for a regulation  
Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) analytical, monitoring and evaluation activities, including studies and threat, risk and impact assessments;

*Amendment*

(c) analytical, monitoring and evaluation activities, including studies and threat, risk and impact assessments, ***which are evidence based and in line with Union priorities and initiatives that have been endorsed by the European Parliament and the Council,***

*Justification*

*No funds should be used as conduits for the financing of measures or practices that have not first been approved by a political agreement at the level of the European Parliament and the Council.*

**Amendment 47**

**Proposal for a regulation  
Article 4 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Coordination as regards actions in and in relation to third countries shall be ensured by the Commission and the Member States, together with the European External Action Service, as set out in Article 3(4a) of Regulation (EU) No .../2013 [the Horizontal Regulation].***

**Amendment 48**

**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 49**

##### **Proposal for a regulation Article 5 – paragraph 4**

*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) No XXXX/2012 [New Financial Regulation], ***with the exception of the Union actions referred to in Article 7, the technical assistance referred to in Article 8(1) and the emergency assistance referred to in Article 9.***

*Amendment*

4. The budget allocated under the Instrument shall be implemented ***by direct and indirect management (the Union actions referred to in Article 7, the technical assistance referred to in Article 8(1) and the emergency assistance referred to in Article 9) or*** under shared management in accordance with Article 55(1)(b) of Regulation (EU) No XXXX/2012 [New Financial Regulation].

*Justification*

*Implementation of the Union budget by shared management should be the exception and not the rule (cf. Article 55 of the Financial Regulation).*

## Amendment 50

### Proposal for a regulation Article 5 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. In accordance with Article 317 TFEU, the ultimate responsibility for implementing the Union budget lies with the Commission.**

*Justification*

*According to Article 317 TFEU, the ultimate responsibility for implementing the Union budget rests with the Commission.*

## Amendment 51

### Proposal for a regulation Article 5 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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

- a) **EUR 564 million** for the national programmes of Member States;
- b) **EUR 564 million** for Union actions, emergency assistance and technical assistance at the initiative of the Commission.

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

- a) **55 %** for the national programmes of Member States;
- b) **45 %** for Union actions, emergency assistance and technical assistance at the initiative of the Commission.

## Amendment 52

### Proposal for a regulation Article 5 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**7. The countries associated with the implementation, application and development of the Schengen acquis shall**

**deleted**

*participate in the Instrument, in accordance with this Regulation.*

*Justification*

*This Regulation does not constitute a development of the Schengen acquis.*

**Amendment 53**

**Proposal for a regulation  
Article 5 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. Arrangements shall be concluded on the financial contributions by these countries to the Instrument and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.  
The financial contributions from these countries shall be added to the global resources available from the Union budget referred to in paragraph 1.**

**deleted**

*Justification*

*This Regulation does not constitute a development of the Schengen acquis.*

**Amendment 54**

**Proposal for a regulation  
Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States

2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States

shall **focus on** projects addressing the strategic Union priorities listed in the annex to this Regulation.

shall **implement** projects addressing the strategic Union priorities listed in the annex to this Regulation.

*Justification*

*The national programmes should be focused on projects that address the strategic priorities of the Union listed in the Annex to the regulation.*

**Amendment 55**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. At the Commission's initiative, this Instrument may be used to finance transnational actions or actions of particular interest to the Union ('Union actions') concerning the general, specific and operational objectives set out in Article 3.

*Amendment*

1. At the Commission's initiative, this Instrument may be used to finance transnational actions or actions of particular interest to the Union ('Union actions') concerning the general, specific and operational objectives set out in Article 3. ***All such actions shall be in compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, as well as with the Union legal provisions on data protection and privacy. The European Data Protection Supervisor, the Fundamental Rights Agency and other relevant supervisory agencies and bodies may assess these actions to ensure compliance.***

*Justification*

*Independent supervision ought to guarantee the compliance of all actions with fundamental rights including privacy rights and compliance to data protection standards.*

**Amendment 56**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. To be eligible for funding, Union actions

*Amendment*

2. To be eligible for funding, Union actions

shall be in line with the priorities identified in relevant Union strategies, programmes, threat and risk assessments, and support in particular:

shall be in line with the priorities identified **and agreed by the European Parliament and the Council** in relevant Union strategies, programmes, threat and risk assessments, and support in particular:

*Justification*

*No funds should be used as conduits for the financing of measures or practices that have not first been approved by a political agreement at the level of the European Parliament and the Council.*

**Amendment 57**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) analytical, monitoring and evaluation activities, including threat, risk and impact assessments and projects monitoring the implementation of Union law and Union policy objectives in the Member States;

*Amendment*

(c) analytical, monitoring and evaluation activities, including threat, risk and impact assessments **which are evidence based and in line with Union priorities and initiatives that have been endorsed by the European Parliament and the Council**, and projects monitoring the implementation of Union law and Union policy objectives in the Member States;

*Justification*

*No funds should be used as conduits for the financing of measures or practices that have not first been approved by a political agreement at the level of the European Parliament and the Council.*

**Amendment 58**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) the acquisition and/or further upgrading of technical equipment, secure facilities, infrastructures, related buildings and systems, especially ICT systems and their components at the Union level, including

*Amendment*

(f) the acquisition and/or further upgrading of technical equipment, **know-how**, secure facilities, infrastructures, related buildings and systems, especially ICT systems and their components at the Union level,

for the purpose of European cooperation on cyber crime, notably a European Cybercrime Centre;

including for the purpose of European cooperation on cyber crime, notably a European Cybercrime Centre;

#### **Amendment 59**

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

##### **Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **EUR 564 million shall be allocated to the Member States indicatively as follows:**

*Amendment*

1. **The resources for national programmes shall be distributed as follows:**

#### **Amendment 60**

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

##### **Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

a) **30%** in proportion of the size of their total population;

*Amendment*

a) **35%** in proportion of the size of their total population;

#### **Amendment 61**

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

##### **Article 10 – paragraph 1 – point c**

*Text proposed by the Commission*

c) **10%** in proportion to the number of passengers and the tons of cargo processed through their international air and sea ports;

*Amendment*

c) **20%** in proportion to the number of passengers and the tons of cargo processed through their international air and sea ports;



## Amendment 62

### Proposal for a regulation

#### Article 10 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

**d) 10% in proportion to the number of European Critical Infrastructure designated in accordance with Directive 2008/114/EC;**

**deleted**

## Amendment 63

### Proposal for a regulation

#### Article 10 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

**e) 40% in inverse proportion to their Gross Domestic Product (purchasing power standard per inhabitant).**

**e) 35% in inverse proportion to their Gross Domestic Product (purchasing power standard per inhabitant).**

## Amendment 64

### Proposal for a regulation

#### Article 11 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation]. ***The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of***

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation].

*each period.*

## **Amendment 65**

### **Proposal for a regulation Article 11 – paragraph 5**

*Text proposed by the Commission*

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

*Amendment*

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **3** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **3** months at the initiative of the European Parliament or the Council.

## **Amendment 66**

### **Proposal for a regulation Article 12 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

**deleted**

*Justification*

*No reference is made to Article 12(2) anywhere else in the text in question.*

## **Amendment 67**

### **Proposal for a regulation Article 15 – paragraph 5**

*Text proposed by the Commission*

5. The Commission shall submit to the European Parliament and the Council, by 31 December 2015, a report on the results achieved and on qualitative and quantitative aspects of implementation of Council Decision 2007/125/JHA for the period 2011 to 2013.

*Amendment*

5. The Commission shall submit to the European Parliament and the Council, by 31 December 2015, a report on the results achieved and on qualitative and quantitative aspects of implementation of Council Decision 2007/125/JHA for the period 2011 to 2013. ***In this report, the European Commission shall provide concrete evidence, if available, of the complementarity and synergies achieved between the EU funds and the Members States' budgets and of the triggering effects on Member States of the EU budget in achieving the objectives set in the Council Decision 2007/125/JHA.***

**Amendment 68**

**Proposal for a regulation  
Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 15a  
Evaluation***

***By 31 December 2017 at the latest, the Commission shall submit to the European Parliament and the Council an evaluation report on the achievement of the objectives set out in this Regulation.***

*Justification*

*As part of a results-based approach, a mid-term review should be conducted of the operation of this regulation.*

**Amendment 69**

**Proposal for a regulation  
Article 16 – paragraph 1**

*Text proposed by the Commission*

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by **30** June 2020 at the latest.

*Amendment*

On the basis of a proposal from the Commission, the European Parliament and the Council shall review this Regulation by **1** June 2020 at the latest.

**Amendment 70**

**Proposal for a regulation  
Annex 1 – point 1**

*Text proposed by the Commission*

Measures preventing and fighting cross-border, serious and organised crime, in particular drug trafficking, trafficking in human beings, sexual exploitation of children and projects identifying and dismantling criminal networks, protecting the economy against criminal infiltration and reducing financial incentives by seizing, freezing and confiscating criminal assets.

*Amendment*

Measures preventing and fighting cross-border, serious and organised crime, in particular drug trafficking, trafficking in human beings, sexual exploitation of children and ***distribution of child abuse images and*** projects identifying and dismantling criminal networks, protecting the economy against criminal infiltration and reducing financial incentives by seizing, freezing and confiscating criminal assets.

**Amendment 71**

**Proposal for a regulation  
Annex 1 - new point after last point**

*Text proposed by the Commission*

*Amendment*

***Measures seeking to achieve a closer partnership between the Union and third countries (in particular countries situated on its external borders) and the drawing up and implementation of operational programmes of action for achievement of the above EU strategic priorities.***