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Committee on Civil Liberties, Justice and Home Affairs

2011/0242(COD)

12.3.2012

AMENDMENTS

17 - 96

Draft report
Renate Weber
(PE480.591v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances

Proposal for a regulation
(COM(2011)0560 – C7-0248/2011 – 2011/0242(COD))

AM_Com_LegReport

Amendment 17
Cornelia Ernst, Marie-Christine Vergiat

Draft legislative resolution

–

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

There is already a working system for the temporary reintroduction of controls at the internal borders in place. Furthermore, considering that the crossing of the external borders should not be per se regarded as a threat to public policy or internal security, the grounds which legitimate the temporary reintroduction of border controls are sufficiently laid out in the current regulation. Therefore, the proposal should be rejected.

Amendment 18
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the main achievements of the European Union. In such an area without controls at internal borders, it is necessary to have a common response to situations seriously affecting the public policy or internal security of the European Union or of one or more Member States ***by allowing for the reintroduction of border control at internal borders in exceptional circumstances***, but without jeopardising the principle of the free movement of persons. ***A common Union***

Amendment

(1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the main achievements of the European Union. In such an area without controls at internal borders, it is necessary to have a common response to situations seriously affecting the public policy or internal security of the European Union or of one or more Member States, but without jeopardising the principle of the free movement of persons.

response is therefore needed, given the impact that such measures of last resort may have on all persons having the right to circulate within this area without border control at internal borders.

Or. en

Amendment 19
Mario Borghezio

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the main achievements of the European Union. In such an area without controls at internal borders, it is necessary to have a common response to situations seriously affecting the public policy or internal security of the European Union or of one or more Member States by allowing for the reintroduction of border control at internal borders in exceptional circumstances, but without jeopardising the principle of the free movement of persons. A common Union response is therefore needed, given the impact that such measures of last resort may have on all persons having the right to circulate within this area without border control at internal borders.

Amendment

(1) It is necessary to have a common response to situations seriously affecting the public policy or internal security of the European Union or of one or more Member States by allowing for the reintroduction of border control at internal borders in exceptional circumstances, but without jeopardising the principle of the free movement of persons. A common Union response is therefore needed, given the impact that such measures of last resort may have on all persons having the right to circulate within this area without border control at internal borders.

Or. it

Amendment 20
Anthea McIntyre
on behalf of the ECR Group

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) According to Union law, in particular Article 4(2) TEU and Articles 72 and 276 TFEU, maintaining law and order and the safeguarding of internal security, and operations carried out by law enforcement services of Member States are within the competence of the Member States.

Or. en

Amendment 21
Mario Borghezio

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Free movement within the area without internal border controls is a key Union achievement. As free movement is affected by the temporary reintroduction of border control at internal borders, any decision to do so should be taken at the Union level. In any case, reintroduction of border control at internal borders should only take place as a measure of last resort, for a strictly limited scope and period of time, based on specific objective criteria and on an assessment of its necessity which should be made at Union level. In cases where the serious threat to public policy or internal security requires immediate action, a Member State should be able to reintroduce border control at its internal borders for a period not exceeding five days, any prolongation of which needs to be decided at Union level.

(2) In cases where the serious threat to public policy or internal security requires immediate action, a Member State should be able to reintroduce border control at its internal borders for a period not exceeding five days, any prolongation of which needs to be decided at Union level.

Or. it

Amendment 22
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Free movement within the area without internal border controls is a key Union achievement. As free movement is affected by the temporary reintroduction of border control at internal borders, any decision to do so should be taken at the Union level. ***In any case, reintroduction of border control at internal borders should only take place as a measure of last resort, for a strictly limited scope and period of time, based on specific objective criteria and on an assessment of its necessity which should be made at Union level. In cases where the serious threat to public policy or internal security requires immediate action, a Member State should be able to reintroduce border control at its internal borders for a period not exceeding five days, any prolongation of which needs to be decided at Union level.***

Amendment

(2) Free movement within the area without internal border controls is a key Union achievement. As free movement is affected by the temporary reintroduction of border control at internal borders, any decision to do so should be taken at the Union level and ***should be*** based on specific objective criteria and on ***a thorough*** assessment of its necessity.

Or. en

Amendment 23
Anthea McIntyre
on behalf of the ECR Group

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) When decisions on the reintroduction of border control at internal borders are taken, the necessity and proportionality of the measure should be considered compared to the threat to public policy or internal security ***triggering the request to***

Amendment

(3) When decisions on the reintroduction of border control at internal borders are taken, the necessity and proportionality of the measure should be considered compared to the threat to public policy or internal security, as should alternative

reintroduce border control at internal borders, as should alternative measures which could be taken at national and/or Union level, as well as the impact of such a measure on free movement within the area without internal borders.

measures which could be taken at national and/or Union level, as well as the impact of such a measure on free movement within the area without internal borders.

Or. en

Amendment 24

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) The situations can arise where a large numbers of third country nationals cross the external border of one or more Member States. This might result in an unexpected and significant increase in secondary movements of third country nationals found to be irregularly staying in the territory of another Member State or States. Taking into account the number of Member States affected by such an unexpected and significant increase in secondary movements, and the overall impact of this increase on the migratory situation in the Union or in an individual Member State, it may be considered necessary to temporarily reintroduce border control at internal borders where the circumstances would be such as to constitute a serious threat to public policy or to internal security at the Union or national level. The crossing of the external border of a large number of third-country nationals might, in exceptional circumstances, justify the immediate reintroduction of some internal border controls, if such a measure is needed to safeguard public policy and internal security at the Union or national level

(5) The crossing of external **borders by** a large number of third-country nationals **should not per se be considered a threat** to public policy **or** internal security.

from a serious and urgent threat.

Or. de

Amendment 25

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The situations can arise where a large numbers of third country nationals cross the external border of one or more Member States. This might result in an unexpected and significant increase in secondary movements of third country nationals found to be irregularly staying in the territory of another Member State or States. Taking into account the number of Member States affected by such an unexpected and significant increase in secondary movements, and the overall impact of this increase on the migratory situation in the Union or in an individual Member State, it may be considered necessary to temporarily reintroduce border control at internal borders where the circumstances would be such as to constitute a serious threat to public policy or to internal security at the Union or national level. The crossing of the external border of a large number of third-country nationals might, in exceptional circumstances, justify the immediate reintroduction of some internal border controls, if such a measure is needed to safeguard public policy and internal security at the Union or national level from a serious and urgent threat.

Amendment

(5) The migratory situation, in *particular, the crossing of external borders by third-country nationals, should not per se* be considered to be a threat to public policy or internal security.

Or. en

Amendment 26
Jens Rohde

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The situations can arise where a large numbers of third country nationals cross the external border of one or more Member States. This might result in an unexpected and significant increase in secondary movements of third country nationals found to be irregularly staying in the territory of another Member State or States. Taking into account the number of Member States affected by such an unexpected and significant increase in secondary movements, and the overall impact of this increase on the migratory situation in the Union or in an individual Member State, it may be considered necessary to temporarily reintroduce border control at internal borders where the circumstances would be such as to constitute a serious threat to public policy or to internal security at the Union or national level. The crossing of the external border of a large number of third-country nationals might, in exceptional circumstances, justify the immediate reintroduction of some internal border controls, if such a measure is needed to safeguard public policy and internal security at the Union or national level from a serious and urgent threat.

Amendment

(5) The crossing of the external border of a large number of third-country nationals might, in exceptional circumstances, justify the immediate reintroduction of some internal border controls ***in accordance with Article 26 of Regulation (EC) No 562/2006***, if such a measure is needed to safeguard public policy and internal security at the Union or national level from a serious and urgent threat.

Or. da

Amendment 27
Cornelia Ernst

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to guarantee fully free movement in the area without internal border controls and to forego the reintroduction of controls at internal borders on political grounds by Member States, all cases of reintroduction of controls at internal borders should be overseen by the Commission. To that end the Commission should make full use of the powers conferred to it by the Treaties, including Article 258 TFEU.

Or. en

Justification

To prevent politically motivated reintroductions of border controls, it is imperative that the Commission make full use of its powers, including infringement procedures.

Amendment 28
Debora Serracchiani

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Commission needs to provide clear indicators for assessing the scale of the threat to public policy and national security.

Or. it

Amendment 29
Renate Weber, Ioan Enciu

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Based on the experiences gathered so far with respect to the functioning of the area without border controls the Commission should draw up guidelines on the reintroduction of internal border controls, both in cases which require such a measure as a temporary reaction and in cases where an immediate action is needed. The Commission should draw up such guidelines in order to ensure coherent implementation of the Schengen rules. The guidelines should provide for clear indicators to facilitate the assessment of threats to public policy and national security.

Or. en

Amendment 30

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) The temporary reintroduction of certain controls at internal borders could also be a response to serious deficiencies identified by Schengen evaluations in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, where the circumstances would be such as to constitute a serious threat to public policy or to internal security at the Union or national level.

deleted

Or. en

Amendment 31
Carlos Coelho

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The temporary reintroduction of certain controls at internal borders could also be a response to serious deficiencies **identified by Schengen evaluations** in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, **where** the circumstances would be such as to constitute a serious threat to public policy or to internal security **at the Union or national level**.

Amendment

(6) The temporary reintroduction of certain controls at internal borders could also be a response to serious deficiencies **detected in the framework of a rigorous evaluation process**, in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, **as a measure of last resort, and insofar as** the circumstances would be such as to constitute a serious threat to public policy or to internal security **in the area without internal border controls**.

Or. en

Amendment 32
Renate Weber, Ioan Enciu

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The temporary reintroduction of certain controls at internal borders could also be a response to serious deficiencies identified by Schengen evaluations in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, **where the circumstances would be such as to constitute a serious threat to public policy or to internal security at the Union or national level**.

Amendment

(6) The temporary reintroduction of certain controls at internal borders could also be a response to serious deficiencies identified by Schengen evaluations in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis.

Or. en

Amendment 33
Anthea McIntyre
on behalf of the ECR Group

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or financial support measures at the national and/or Union level, should be fully explored. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which may be provided by the Member **State requesting the reintroduction**, or come from other sources, including inspection visits.

Amendment

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or financial support measures at the national and/or Union level, should be fully explored, **taking into account Member States' requirements for rapid action**. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which may be provided by the Member **States**, or come from other sources, including inspection visits.

Or. en

Amendment 34
Mario Borghezio

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or

Amendment

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or

financial support measures at the national and/or Union level, should be fully explored. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which *may* be provided by the Member State requesting the reintroduction, or come from other sources, including inspection visits.

financial support measures at the national and/or Union level, should be *swiftly and* fully explored. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which *must* be provided by the Member State requesting the reintroduction, or come from other sources, including inspection visits.

Or. it

Amendment 35
Debora Serracchiani

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or financial support measures at the national and/or Union level, should be fully explored. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which may be provided by the Member *State* requesting the reintroduction, or come from other sources, including inspection visits.

Amendment

(7) Before any decision is taken on the temporary reintroduction of certain controls at internal borders, the possibility of resorting to measures aimed at addressing the underlying situation, including assistance by Union bodies such as Frontex or Europol, and technical or financial support measures at the national and/or Union level, should be fully explored. Moreover, any decision to reintroduce internal border control should be based on substantiated information, which may be provided by the Member *State(s)* requesting the reintroduction, or come from other sources, including inspection visits.

Or. it

Amendment 36
Renate Weber, Ioan Enciu

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It is necessary for the Commission to present at least an annual overview to the Union institutions on the functioning of the Schengen area. This should provide the basis for an annual debate in the European Parliament and in the Council and contribute to the strengthening of political guidance and cooperation in the Schengen area.

Or. en

Amendment 37

Carlos Coelho

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. Except in cases of urgency, and in view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable.

deleted

Or. en

Amendment 38

Ioan Enciu, Renate Weber

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) ***In*** order to ensure uniform conditions for the ***implementation*** of this ***Regulation***, ***implementing powers should be conferred on*** the Commission. ***These powers should be exercised*** in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. ***Except in cases of urgency, and in*** view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure ***is applicable***.

Amendment

(8) ***For cases of persistent serious deficiencies identified in accordance with Article 15 of the Regulation (EU) No .../2012 of the European Parliament and of the Council of [...] [on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis] and in*** order to ensure uniform conditions ***and democratic scrutiny, a European mechanism*** for the ***reintroduction of temporary and exceptional border controls at internal borders should be established. Under this mechanism,*** the Commission should ***transmit to the European Parliament and to the Council a report assessing the necessity of the reintroduction of border controls at internal borders as a measure of last resort. The European Parliament and the Council should present their opinions within one month after which the Commission should be able to decide on the reintroduction of border control at internal borders by way of implementing acts,*** in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. ***In*** view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure ***should be used for the adoption of those implementing acts.***

Or. en

Amendment 39

Arkadiusz Tomasz Bratkowski

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to ensure uniform conditions for the implementation of **this** Regulation, implementing powers should be conferred on the **Commission**. **These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. Except in cases of urgency, and in view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable.**

Amendment

(8) In order to ensure uniform conditions for the implementation of **Article 26** of Regulation **(EC) No 562/2006**, implementing powers should be conferred on the **Council**.

Or. pl

Justification

Przekazanie uprawnień wykonawczych do Rady jest zgodne z traktatem o Funkcjonowaniu Unii Europejskiej, co zostało potwierdzone przez opinie Służb Prawnych Rady. Jest też częstym zjawiskiem w sprawach m.in. budżetu Sekretariatu, jego organizacji i innych. Przekazanie uprawnień wykonawczych Radzie daje realną szansę na postęp w negocjacjach w Radzie i uzyskanie mandatu przez Prezydencję do trilogu z PE. Od strony proceduralnej, bez względu czy uprawnienia wykonawcze są po stronie PE czy KE, PE i tak jest informowany na identycznych zasadach. Uprawnienia wykonawcze po stronie Rady spełniają te same wymogi transparentności i decyzji podejmowanej wspólnotowo, co KE. Jedyna różnica polega na zarządzaniu procesem przez Radę, która decyduje o uruchomieniu konkretnego działania. Tytułem argumentacji można wspomnieć, iż takie działanie Rady odbywa się zgodnie z art. 291 TFUE, gdzie również przewidziano udział PE.

Amendment 40
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. ***Except in cases of urgency, and in*** view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable.

Amendment

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. ***In*** view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable.

Or. en

Amendment 41

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. Except in cases of urgency, and in view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable.

Amendment

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. Except in cases of urgency, and in view of the terms of Article 2(2)(b)(iii) of that Regulation, the examination procedure is applicable. ***The European Parliament should be immediately and fully informed at all stages of the procedure.***

Amendment 42
Monica Luisa Macovei

Proposal for a regulation
Article 1 – point -1 (new)
Regulation (EC) No 562/2006
Article 2 – point 19 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 2 the following point is inserted:

"19a. 'threat to internal security' means any serious crime with a cross-border dimension, as defined in Article 83(1) TFEU, including trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime."

Or. en

Justification

The Regulation needs to be updated to take into account the Lisbon Treaty and because all cross border serious crimes must be combatted in a cross-border approach, at the level of the Union. As per Recital 6 of this Regulation, "border control should help to [...] prevent any threat to the Member States' internal security. Stockholm Programme, art. 4.1: "Terrorism and organised crime, drug trafficking, corruption, trafficking in human beings, smuggling of persons and trafficking in arms, among others, continue to challenge the internal security of the EU. Cross-border widespread crime has become an urgent challenge which requires a clear and comprehensive response."

Amendment 43
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 1 – point 1

Text proposed by the Commission

1. Where in the area without border control at internal borders there is a serious threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than 30 days or for the foreseeable duration of the serious threat if its duration exceeds the period of 30 days. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment

1. Where in the area without border control at internal borders there is a **concrete** serious threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than 30 days or for the foreseeable duration of the serious threat if its duration exceeds the period of 30 days. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Or. en

Amendment 44
Tatjana Ždanoka, Franziska Keller

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 1

Text proposed by the Commission

1. Where in the area without border control at internal borders there is a serious threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than 30 days or for the foreseeable duration of the serious threat if its duration exceeds the period of 30 days. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed

Amendment

1. Where in the area without border control at internal borders there is a serious **specific and tangible** threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than 30 days or for the foreseeable duration of the serious threat if its duration exceeds the period of 30 days. The scope and duration of the temporary reintroduction of border

what is strictly necessary to respond to the serious threat.

control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Or. en

Amendment 45
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 1

Text proposed by the Commission

1. Where in the area without border control at internal borders there is a serious threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than **30 days or for the foreseeable duration of the serious threat if its duration exceeds the period of 30 days**. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Amendment

1. Where in the area without border control at internal borders there is a serious threat to public policy or internal security at the Union or national level, border control at internal borders may exceptionally be reintroduced at all or specific parts of the internal borders of one or several Member States for a limited period of no more than 30 days. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.

Or. en

Amendment 46
Ioan Enciu, Renate Weber

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 2

Text proposed by the Commission

2. Border control at internal borders may only be reintroduced in accordance with the procedures foreseen in Articles 24, 25 and 26 of this Regulation. The criteria listed in Article 23a must be ***taken into account*** in each case where a decision on the reintroduction of border control at internal borders is contemplated.

Amendment

2. Border control at internal borders may only be reintroduced in accordance with the procedures foreseen in Articles 24, 25 and 26 of this Regulation. The criteria listed in Article 23a must be ***applied*** in each case where a decision on the reintroduction of border control at internal borders is contemplated.

Or. en

Amendment 47

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23 – paragraph 2

Text proposed by the Commission

2. Border control at internal borders may only be reintroduced in accordance with the procedures foreseen in Articles 24, 25 and 26 of this Regulation. The criteria listed in Article 23a must be taken into account in each case where a decision on the reintroduction of border control at internal borders is contemplated.

Amendment

2. Border control at internal borders may only be reintroduced ***as a last resort*** in accordance with the procedures foreseen in Articles 24, 25 and 26 of this Regulation. The criteria listed in Article 23a must be taken into account in each case where a decision on the reintroduction of border control at internal borders is contemplated.

Or. en

Amendment 48

Ioan Enciu, Renate Weber

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security at the Union or national level persists beyond the period provided for in paragraph 1, border control at internal borders may, taking account of the criteria listed in Article 23a, be prolonged on the same grounds as those referred to in paragraph 1 and, taking into account any new elements, for renewable periods of up to 30 days.

Amendment

3. If the serious threat to public policy or internal security at the Union or national level persists beyond the period provided for in paragraph 1, border control at internal borders may, taking account of the criteria listed in Article 23a, be prolonged on the same grounds as those referred to in paragraph 1 and, taking into account any new **relevant** elements, for renewable periods of up to 30 days.

Or. en

Amendment 49
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal security at the Union or national level persists beyond the period provided for in paragraph 1, border control at internal borders may, taking account of the criteria listed in Article 23a, be prolonged on the same grounds as those referred to in paragraph 1 and, taking into account any new elements, for renewable periods of up to 30 days.

Amendment

3. If the serious threat to public policy or internal security at the Union or national level persists beyond the period provided for in paragraph 1 **and 2**, border control at internal borders may, taking account of the criteria listed in Article 23a, be prolonged on the same grounds as those referred to in paragraph 1 and, taking into account any new elements, for renewable periods of up to 30 days.

Or. en

Amendment 50
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 1 – point 1

Text proposed by the Commission

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months.
In cases of persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Commission can decide to extend this period.

Amendment

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months.

Or. en

Justification

The Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis does not yet exist and we should avoid making reference to future legislation.

Amendment 51
Tatjana Ždanoka, Franziska Keller

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 4

Text proposed by the Commission

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months.
In cases of persistent serious deficiencies related to external border control ***or return***

Amendment

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months.
In cases of persistent serious deficiencies related to external border control identified

procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Commission can decide to extend this period.

in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Commission can decide to extend this period.

Or. en

Amendment 52
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23 – paragraph 4

Text proposed by the Commission

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months. In cases of persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Commission can decide to extend this period.

Amendment

4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 and prolongations under paragraph 3, shall not exceed six months. In cases of persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, the Commission can decide to extend this period ***in accordance with Article 26, until those serious deficiencies are remedied. In parallel, Commission shall take the necessary actions and shall decide on follow-up measures for the relevant Member States likely to adequately remedy the threat to public policy or internal security.***

Or. en

Amendment 53

Carlos Coelho

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a – paragraph 1– introductory part

Text proposed by the Commission

1. **When deciding on** the temporary reintroduction of border control at one or more internal borders or parts thereof, the Commission, or the Member State concerned in cases referred to in **Article 25 paragraph 1**, shall assess the extent to which such a measure is likely to adequately remedy the threat to public policy or internal security at the Union or national level, and shall assess the proportionality of the measure to that threat. This assessment shall be based on the detailed information submitted by the Member State(s) concerned and any other relevant information, including any information obtained pursuant to paragraph 2. In making such an assessment, the following considerations shall in particular be taken into account:

Amendment

1. **Before a decision is taken, always as a last resort, for** the temporary reintroduction of border control at one or more internal borders or parts thereof, the Commission, **in cases referred to in Articles 26**, or the Member State concerned in cases referred to in **Articles 23 and 25(1)**, shall assess the extent to which such a measure is likely to adequately remedy the threat to public policy or internal security at the Union or national level, and shall assess the proportionality of the measure to that threat. This assessment shall be based on the detailed information submitted by the Member State(s) concerned and any other relevant information, including any information obtained pursuant to paragraph 2. In making such an assessment, the following considerations shall in particular be taken into account:

Or. en

Amendment 54

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a – paragraph 1 – point a

Text proposed by the Commission

(a) the likely impact of any threats to public policy or internal security at the

Amendment

(a) the likely impact of any **specific and tangible** threats to public policy or internal

Union or national level, including following terrorist incidents or threats as well as threats posed by organised crime;

security at the Union or national level, including following terrorist incidents or threats as well as threats posed by organised crime;

Or. en

Amendment 55
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a– paragraph 1 – point a

Text proposed by the Commission

(a) the likely impact of any threats to public policy or internal security at the Union or national level, including following terrorist incidents or threats as well as threats posed by organised crime;

Amendment

(a) the likely impact of any **tangible** threats to public policy or internal security at the Union or national level, including following terrorist incidents or threats as well as threats posed by organised crime;

Or. en

Amendment 56
Marian-Jean Marinescu

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a – paragraph 1 – point b

Text proposed by the Commission

(b) the availability of technical or financial support measures which could be or have been resorted to at the national and/or European level, including assistance by Union bodies such as Frontex, the EASO or Europol, and the extent to which such measures are likely to adequately remedy the threats to public policy or internal security at the Union or national level;

Amendment

(b) the availability of technical or financial support measures which could be or have been resorted to at the national and/or European level, including assistance by Union bodies such as Frontex, the EASO or Europol, and the extent to which such measures are likely to adequately remedy the threats to public policy or internal security at the Union or national level, **and**

any serious deficiencies related to external border control *or return procedures* identified by Schengen evaluations in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis;

any serious deficiencies related to external border control identified by Schengen evaluations in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis;

Or. en

Amendment 59
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EC) No 562/2006
Article 23a – paragraph 1 – point c

Text proposed by the Commission

(c) the current and likely future impact of any serious deficiencies related to external border control *or return procedures* identified by Schengen evaluations in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis;

Amendment

(c) the current and likely future impact of any serious deficiencies related to external border control identified by Schengen evaluations in accordance with the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis;

Or. en

Amendment 60
Carlos Coelho

Proposal for a regulation
Article 1– point 1
Regulation (EC) No 562/2006
Article 23a – paragraph 2 – introductory part

Text proposed by the Commission

2. Before *taking a decision*, the Commission may

Amendment

2. Before *adopting a recommendation in accordance with Article 26*, the Commission may

Amendment 61
Marian-Jean Marinescu

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a – paragraph 2 – point a

Text proposed by the Commission

(a) request Member States, Frontex, Europol, Eurojust, the Fundamental Rights Agency or any other Union body to provide it with further information,

Amendment

(a) request Member States, Frontex, Europol, Eurojust, the Fundamental Rights Agency or any other Union body to provide it with further information, ***including proposals for action plans that can remedy the threat or the deficiencies identified which could avoid the temporary reintroduction of border control at internal borders,***

Amendment 62
Carlos Coelho

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 23a – paragraph 2 – point b

Text proposed by the Commission

(b) carry out inspection visits, with the support of experts from Member States and of Frontex, Europol and any other relevant European body, in order to obtain or verify information relevant for a ***decision*** to temporarily reintroduce border control at internal borders.

Amendment

(b) carry out inspection visits, with the support of experts from Member States and of Frontex, Europol and any other relevant European body, in order to obtain or verify information relevant for a ***recommendation*** to temporarily reintroduce border control at internal borders.

Amendment 63
Debora Serracchiani

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall provide clear indicators for assessing the scale of the threat to public policy and national security, in order to ensure coherent implementation of the Schengen Borders Code.

Or. it

Amendment 64
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 23a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Based on the experiences gathered so far with respect to the functioning of the area without border controls, the Commission shall issue guidelines on the reintroduction of internal border controls, both in cases which require such a measure as a temporary reaction and in cases where an immediate action is needed.

The Commission shall draw up such guidelines in order to ensure coherent implementation of the Schengen rules.

The guidelines shall provide clear indicators to facilitate the assessment of

threats to public policy and national security.

Or. en

Amendment 65
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request to the Commission at the latest ***six weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders do not become known until less than*** six weeks before the planned reintroduction, and shall supply the following information:

Amendment

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request to the Commission, at the latest six weeks before the planned reintroduction, and shall supply the following information:

Or. en

Amendment 66
Debora Serracchiani

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request ***to*** the Commission at the

Amendment

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request ***and notify the Member***

latest six weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders do not become known until less than six weeks before the planned reintroduction, and shall supply the following information:

States and the Commission *accordingly* at the latest six weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders do not become known until less than six weeks before the planned reintroduction, and shall supply the following information:

Or. it

Amendment 67
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 1

Text proposed by the Commission

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request to the Commission at the latest **six** weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders do not become known until less than six weeks before the planned reintroduction, **and** shall supply the following information:

Amendment

1. Where a Member State considers that border control at internal borders should be reintroduced under Article 23(1), it shall submit a request to the Commission at the latest **four weeks** before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders do not become known until less than six weeks before the planned reintroduction. **The request** shall supply the following information:

Or. en

Amendment 68
Marian-Jean Marinescu

Proposal for a regulation
Article 1– point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) measures taken by the Member State before it submitted its request in order to remedy the threat or the deficiencies identified and why those measures were ineffective;

Or. en

Amendment 69
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) an explanatory note stating the steps intended to be taken in order to remedy the threat or the deficiencies identified any other parallel activities intended to be performed and a schedule of those activities;

Or. en

Amendment 70
Marian-Jean Marinescu

Proposal for a regulation
Article 1– point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) where appropriate, the measures to be taken by the other Member States.

(e) where appropriate, the measures ***proposed*** to be taken by the other Member States.

Amendment 71
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 3

Text proposed by the Commission

Amendment

3. Following a request by a Member State pursuant to paragraph 1, or on its own initiative based on the information specified in sections (a) to (e) of that paragraph, the Commission shall decide on the reintroduction of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a (2).

deleted

Amendment 72
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 3

Text proposed by the Commission

Amendment

3. Following a request by a Member State pursuant to paragraph 1, or on its own initiative based on the information specified in sections (a) to (e) of that paragraph, the Commission shall decide on the reintroduction of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

3. Following notification by the Member State(s) planning to reintroduce border control and for the purpose of the consultation provided for in paragraph 4, the Commission may issue an opinion without prejudice to Article 72 TFEU.

Article 33a (2).

Or. en

Amendment 73
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 3

Text proposed by the Commission

3. Following a request by a Member State pursuant to paragraph 1, or on its own initiative based on the information specified in sections (a) to (e) of that paragraph, the Commission shall decide on the reintroduction of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a (2).

Amendment

3. Following a request by a Member State pursuant to paragraph 1, ***after consulting the other Member States*** or on its own initiative based on the information specified in sections (a) to (e) of that paragraph, the Commission shall decide on ***the planned*** reintroduction of border control at internal borders, ***at least seven days before such reintroduction***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a (2).

Or. en

Amendment 74
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If the Commission approves the reintroduction of border control at internal borders the approval decision shall contain the information it received from the Member State concerned in

accordance with paragraph 1. If the Commission refuses to endorse the reintroduction of border control at internal borders, the refusal decision shall contain an action plan likely to remedy adequately the threat to public policy or internal security without the need for the reintroduction of border control.

The Commission may also decide not to proceed with the reintroduction of the borders control at the internal borders of a Member State, after asking the consent of the Member State and after consulting other Member States concerned, based on the information regarding the serious threat identified . In such a case the decision shall include the information referred to in paragraph 1.

Or. en

Amendment 75
Carlos Coelho

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 4

Text proposed by the Commission

4. The Commission shall *decide on* the *prolongation* of border control *at internal borders*. *Those implementing acts shall be adopted in accordance* with the *examination procedure referred to in Article 33a(2)*.

Amendment

4. The *information referred to in paragraph 1, as well as the opinion that the Commission is required to provide in accordance with paragraph 3, shall be the subject of consultations, including joint meetings, between the Member State planning to reintroduce border control, the Member State(s) that might be affected and the Commission, with a view to organising, where appropriate, mutual cooperation between the Member States and to examining the proportionality of the measures to the events giving rise to the reintroduction of border control and*

the threats to public policy or internal security.

Or. en

Amendment 76
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 4

Text proposed by the Commission

4. The Commission shall *decide on* the *prolongation* of border control at internal borders. *Those implementing acts shall be adopted in accordance* with the *examination procedure referred to in Article 33a(2)*.

Amendment

4. The *information referred to in paragraph 1, as well as the opinion that the Commission may provide in accordance with paragraph 3, shall be the subject of consultations, including, if requested either by the Commission or the Member States, joint meetings, between the Member State planning to reintroduce border control at internal borders, the concerned neighbouring Member States and the Commission, with a view to examining the proportionality of the measures to the events giving rise to the reintroduction of border control and the threats to public policy or internal security.*

Or. en

Amendment 77
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 24 – paragraph 4

Text proposed by the Commission

4. The Commission shall decide on the prolongation of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a(2).

Amendment

4. The Commission shall decide on the prolongation of border control at internal borders ***upon the request of the Member State concerned or on its own initiative after the consent of the relevant Member States***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a(2).

Or. en

Amendment 78
Mario Borghezio

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 25 – paragraph 1

Text proposed by the Commission

1. Where a serious threat to public policy or internal security in a Member State demands immediate action to be taken, the Member State concerned may exceptionally and immediately reintroduce border control at internal borders, for a limited period of no more than ***five*** days.

Amendment

1. Where a serious threat to public policy or internal security in a Member State demands immediate action to be taken, the Member State concerned may exceptionally and immediately reintroduce border control at internal borders, for a limited period of no more than ***ten*** days.

Or. it

Amendment 79
Carlos Coelho

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 25 – paragraph 2

Text proposed by the Commission

2. The Member State reintroducing border control at internal borders shall at the same time notify the other Member States and the Commission accordingly, and shall supply the information referred to in Article 24 (1) and the reasons that justify the use of this procedure. ***The Commission may consult the other Member States immediately upon receipt of the notification.***

Amendment

2. The Member State reintroducing border control at internal borders shall at the same time notify the other Member States, ***the European Parliament*** and the Commission and accordingly, and shall supply the information referred to in Article 24(1) and the reasons that justify the use of this procedure.

Or. en

Amendment 80
Carlos Coelho

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal national security persists beyond the period provided for in paragraph 1, the ***Commission shall decide on the prolongation of the*** border control at internal borders. ***Given the need to take immediate action after the expiry of the period provided for in paragraph 1, which constitutes an imperative ground of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 33a (3).***

Amendment

3. If the serious threat to public policy or internal national security persists beyond the period provided for in paragraph 1, the ***Member State may decide to prolong*** the border control at internal borders, ***taking into account the criteria listed in Article 23a, including an updated assessment of the necessity and the proportionality of the measure and taking into account any new elements that might have arisen.***

The provisions of Article 24(2) and (4) shall apply accordingly and the consultations shall take place immediately after the notification.

Or. en

Amendment 81
Marian-Jean Marinescu

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 25 – paragraph 3

Text proposed by the Commission

3. If the serious threat to public policy or internal national security persists beyond the period provided for in paragraph 1, the Commission shall decide on the prolongation of the border control at internal borders. Given the need to take immediate action after the expiry of the period provided for in paragraph 1, which constitutes an imperative ground of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 33a (3).

Amendment

3. If the serious threat to public policy or internal national security persists beyond the period provided for in paragraph 1, the Commission shall decide on the prolongation of the border control at internal borders, **according to Article 23(3) and (4)**. Given the need to take immediate action after the expiry of the period provided for in paragraph 1, which constitutes an imperative ground of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 33a(3).

The decision to prolong border control at internal borders shall be accompanied by an action plan to remedy the identified threat and deficiencies within the prolonged period provided for by the Commission.

Or. en

Amendment 82
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 26 – paragraph 1

Text proposed by the Commission

1. In cases where the Commission finds

Amendment

1. In cases where the Commission finds

that there are persistent serious deficiencies related to external border control *or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis*, and insofar as these deficiencies constitute a serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

that there are persistent serious deficiencies related to external border control, and insofar as these deficiencies constitute a serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

Or. en

Amendment 83

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 26 – paragraph 1

Text proposed by the Commission

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control *or return procedures* identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and insofar as these deficiencies constitute a serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not

Amendment

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and insofar as these deficiencies constitute a serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such

remedied. No more than three such prolongations will be possible.

prolongations will be possible.

Or. en

Amendment 84
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 1

Text proposed by the Commission

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control *or return procedures* identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, *and insofar as these deficiencies constitute a serious threat to public policy or internal security at the Union or national level*, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

Amendment

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

Or. en

Amendment 85
Carlos Coelho

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 1

Text proposed by the Commission

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and insofar as these deficiencies constitute a serious threat to public policy or internal security **at the *Union or national level***, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if **the** serious deficiencies are not remedied. No more than three such prolongations will be possible.

Amendment

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control or return procedures identified in **the framework of an rigorous evaluation process, in** accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, **as a measure of last resort**, and insofar as these deficiencies constitute a serious threat to public policy or internal security **within the area without internal border controls**, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if **such** serious deficiencies are not remedied. No more than three such prolongations will be possible.

Or. en

Amendment 86
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 1

Text proposed by the Commission

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and insofar as these deficiencies constitute a

Amendment

1. In cases where the Commission finds that there are persistent serious deficiencies related to external border control or return procedures identified in accordance with Article 15 of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and insofar as these deficiencies constitute a

serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

serious threat to public policy or internal security at the Union or national level, border control at internal borders may be reintroduced for a period of no more than six months. This period can be prolonged by a further period of no more than six months if the serious deficiencies are not remedied. No more than three such prolongations will be possible.

The decision to prolong border control at internal borders shall be accompanied by an action plan to remedy the identified threat and deficiencies within the prolonged period provided for by the Commission.

Or. en

Amendment 87
Ioan Enciu, Renate Weber

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission **shall** decide on the reintroduction of border control at internal borders. **Those** implementing **acts shall be adopted** in accordance with the examination procedure referred to in Article 33a (2).

Amendment

2. **Where no other measures are capable of effectively mitigating the serious threat identified, the Commission shall transmit to the European Parliament and to the Council a report assessing the necessity of the reintroduction of border control at internal borders, as a measure of last resort, to protect common interests in the area without internal border controls.** The **European Parliament and the Council may present their opinions within one month after which the Commission may** decide on the reintroduction of border control at internal borders **by means of an implementing act** in accordance with the examination procedure referred to in Article 33a (2).

Amendment 88
Carlos Coelho

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission shall decide on the reintroduction of border control at internal borders. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a (2).***

Amendment

2. The Commission, ***as a measure of last resort and taking into account the protection of the common interests within the area without internal border controls, and when all other measures, in particular those referred to in Articles 14 and 15 of the Regulation (EU) No .../2012 of the European Parliament and of the Council of [...] [on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis], have been incapable of effectively mitigating the serious threat identified, may recommend one or more specific Member States to reintroduce border control at the relevant internal borders. The Commission shall transmit to the European Parliament and the Council a report assessing the necessity of the reintroduction of border control. The European Parliament may present its opinion within one month after which the Council may decide, by qualified majority, on the reintroduction of border control at internal borders, based on the Commission recommendation and taking into account the opinion of the European Parliament.***

Amendment 89
Mario Borghesio

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 26 – paragraph 3

Text proposed by the Commission

3. The Commission shall decide on the prolongation of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a(2).

Amendment

3. The Commission shall decide, ***in agreement with the Member State concerned***, on the prolongation of border control at internal borders. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33a(2).

Or. it

Amendment 90

Carlos Coelho

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 26 – paragraph 3

Text proposed by the Commission

3. The Commission ***shall decide on the prolongation of border control at internal borders. Those implementing acts shall be adopted*** in accordance with the ***examination procedure referred to in Article 33a (2).***

Amendment

3. The Commission ***may recommend a*** prolongation in accordance with the ***same conditions and procedures, acting in accordance with paragraphs 1 and 2.***

Or. en

Amendment 91

Tatjana Ždanoka, Franziska Keller

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 562/2006

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. On duly justified grounds of urgency, related to situations where the circumstances giving rise to the need to prolong border control at internal borders, in accordance with paragraph 3, do not become known until less than 10 days before the planned prolongation, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 33a (3).'

deleted

Or. en

Amendment 92
Carlos Coelho

Proposal for a regulation
Article 1– point 1
Regulation (EC) No 562/2006
Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. On duly justified grounds of urgency, related to situations where the circumstances giving rise to the need to prolong border control at internal borders, in accordance with paragraph 3, do not become known until less than 10 days before the *planned prolongation*, the Commission shall adopt immediately *applicable implementing acts in accordance with the procedure referred to in Article 33a (3)*.

4. On duly justified grounds of urgency, related to situations where the circumstances giving rise to the need to prolong border control at internal borders, in accordance with paragraph 3, do not become known until less than 10 days before the *end of the preceding reintroduction period*, the Commission shall adopt immediately *any necessary recommendations*.

Or. en

Amendment 93
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 562/2006
Article 29

Text proposed by the Commission

At the latest four weeks after the **lifting** of border control at internal borders, the Member State which has carried out border control at internal borders shall present a report to the European Parliament, the Council and the Commission on the reintroduction of border control at internal borders, outlining, in particular, the operation of the checks and the effectiveness of the reintroduction of border control at internal borders.

Amendment

At the latest four weeks after the **reintroduction** of border control at internal borders, the Member State which has carried out border control at internal borders shall present a report to the European Parliament, the Council and the Commission on the reintroduction of border control at internal borders, outlining, in particular, the operation of the checks and the effectiveness of the reintroduction of border control at internal borders.

Or. en

Amendment 94
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 562/2006
Article 29

Text proposed by the Commission

At the latest four weeks after the lifting of border control at internal borders, the Member State which has carried out border control at internal borders shall present a report to the European Parliament, the Council and the Commission **on the reintroduction of border control at internal borders**, outlining, in particular, the operation of the checks and the effectiveness of the reintroduction of border control at internal borders.

Amendment

At the latest four weeks after the lifting of border control at internal borders, the Member State which has **reintroduced** border control at internal borders shall present a report to the European Parliament, the Council and the Commission, outlining, in particular, the operation of the checks and the effectiveness of the reintroduction of border control at internal borders.

Or. en

Amendment 95
Renate Weber, Ioan Enciu

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 562/2006
Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall present to the European Parliament and to the Council, at least annually, a report on the functioning of the area without internal border controls. The report shall include a list of all decisions to reintroduce controls at internal borders taken during the year covered.

Or. en

Amendment 96
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 562/2006
Article 30

Text proposed by the Commission

Amendment

The Commission shall inform the public on a decision to reintroduce border control at internal borders and indicate in particular the start and end date of such a measure, ***unless there are overriding security reasons for not doing so.***

The Commission shall inform the public on a decision to reintroduce border control at internal borders and indicate in particular the start and end date of such a measure.

Or. en