



Committee on Foreign Affairs

2015/0307(COD)

18.5.2016

OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at external borders
(COM(2015)0670 – C8-0407/2015 – 2015/0307(COD))

Rapporteur: Marielle de Sarnez

PA_Legam

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Citation 1 a (new)

Text proposed by the Commission

Amendment

*having regard to the Charter of
Fundamental Rights of the European
Union,*

Amendment 2

Proposal for a regulation
Citation 1 b (new)

Text proposed by the Commission

Amendment

*having regard to the International
Convention on the Rights of the Child,
and particularly Articles 3(1), 11, 20 and
22 thereof,*

Amendment 3

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of such threat.

(1) Control at external borders remains one of the main safeguards of the area without controls at internal borders. It is carried out in the interest of all Member States *and with full respect for fundamental rights*. One of the purposes of such controls is to prevent any threat to the Member States' internal security and public policy, irrespectively of the origin of

such threat, *including where such threats derive from Union citizens.*

Amendment 4

Proposal for a regulation

Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) *It is necessary to take into account the regulation on the protection of the personal data of European citizens.*

Amendment 5

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) The phenomenon of foreign terrorist fighters, *many of whom are Union citizens, demonstrates the necessity* to strengthen the checks at external borders with regard to Union citizens.

(2) The phenomenon of foreign terrorist fighters *demonstrates the necessity to adopt a common European response, to step up security at borders as a matter of urgency*, to strengthen the checks at external borders with regard to Union citizens *and to make better use of existing tools such as the sharing of information between the Member States and the relevant Union agencies.*

Amendment 6

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *An equivalent level of security must be afforded to European citizens throughout EU territory.*

Amendment 7

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Member States are obliged to check systematically third country nationals against all databases on entry. **It should be ensured** that such checks are **also** carried out systematically on exit.

Amendment

(6) With Council Regulation (EC) No 2252/2004⁹, the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder. ***The same approach should apply to checks on third-country nationals, where possible.***

⁹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

Amendment

(8) Member States are obliged to check systematically third country nationals against all databases on entry. ***In the same way, Member States should ensure*** that such checks are carried out systematically on exit.

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, Member States may carry out those checks on a targeted basis ***based on*** an assessment of the risks ***related to*** internal security, public policy, international relations of any of the Member States or a threat to public health.

Amendment

Where, at external land and sea borders, the checks referred to in points a) and b) of the first subparagraph would have a disproportionate impact on the flow of traffic, ***the*** Member States ***concerned*** may carry out those checks on a targeted basis, ***provided that*** an assessment of the risks ***shows that this derogation will not harm the*** internal security ***of the Union***, public policy ***or the*** international relations of any of the Member States or ***constitute*** a threat to public health.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point a

Regulation (EC) No 562/2006

Article 7 – paragraph 2 – point b – indent 4

Text proposed by the Commission

Each Member State shall transmit its risk assessment to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis.

Amendment

Each Member State shall transmit its risk assessment, ***and updates thereof***, to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 and report every three months to the Commission and to that Agency on the application of the checks carried out on a targeted basis. ***The Commission shall monitor the situation closely and keep the European Parliament informed, by means of the half-yearly reports to the European Parliament and the Council, about the functioning of the Schengen area.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Reinforcement of checks against relevant databases at external borders						
References	COM(2015)0670 – C8-0407/2015 – 2015/0307(COD)						
Committee responsible Date announced in plenary	LIBE 21.1.2016						
Opinion by Date announced in plenary	AFET 21.1.2016						
Rapporteur Date appointed	Marielle de Sarnez 16.2.2016						
Date adopted	12.5.2016						
Result of final vote	<table> <tr> <td>+: </td><td>53</td></tr> <tr> <td>–: </td><td>8</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	53	–:	8	0:	1
+:	53						
–:	8						
0:	1						
Members present for the final vote	Lars Adaktusson, Michèle Alliot-Marie, Francisco Assis, Petras Auštrevičius, Amjad Bashir, Bas Belder, Goffredo Maria Bettini, Mario Borghezio, Elmar Brok, Klaus Buchner, Fabio Massimo Castaldo, Aymeric Chauprade, Javier Couso Permuy, Andi Cristea, Georgios Eptideios, Anna Elżbieta Fotyga, Eugen Freund, Michael Gahler, Iveta Grigule, Richard Howitt, Sandra Kalniete, Tunne Kelam, Afzal Khan, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Ilhan Kyuchyuk, Ryszard Antoni Legutko, Arne Lietz, Barbara Lochbihler, Andrejs Mamikins, David McAllister, Francisco José Millán Mon, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Vincent Peillon, Alojz Peterle, Tonino Picula, Kati Piri, Andrej Plenković, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Jaromír Štětina, Charles Tannock, László Tőkés, Miguel Urbán Crespo, Ivo Vajgl, Elena Valenciano, Geoffrey Van Orden, Hilde Vautmans, Boris Zala						
Substitutes present for the final vote	Ryszard Czarnecki, Mariya Gabriel, Andrzej Grzyb, András Gyürk, Soraya Post, Jean-Luc Schaffhauser, Dubravka Šuica, Bodil Valero						
Substitutes under Rule 200(2) present for the final vote	Michel Dantin, Raymond Finch, Heidi Hautala, Julie Ward, Bogdan Brunon Wenta						