



5.11.2018

OPINION

of the Committee on Budgets

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment.
(COM(2018)0474 – C8-0273/2018 – 2018/0258(COD))

Rapporteur for opinion: Georgios Kyrtzos

PA_Legam

AMENDMENTS

The Committee on Budgets calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The Customs Union is a cornerstone of the European Union as one of the largest trading blocks in the world, and is essential for the proper functioning of the single market for the benefit of both EU businesses and citizens. In its resolution of 14 March 2018, the European Parliament expressed particular concern regarding customs fraud, which has created a significant loss of income for the Union's budget. The European Parliament reiterated that a stronger and a more ambitious Europe can only be achieved if it is provided with reinforced financial means and called, therefore, for providing continuous support to existing policies, for increasing resources to the Union' flagship programmes, and for additional responsibilities to be matched with additional financial means.

Amendment 2

Proposal for a regulation Recital 18

Text proposed by the Commission

Amendment

(18) In order to ensure uniform conditions for the implementation of the work programme under this Regulation, implementing powers should be conferred on the Commission. Those powers should

deleted

be exercised in accordance with Regulation (EU) 182/2011 of the European Parliament and of the Council²⁷.

²⁷ *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 (OJ L 55, 28.2.2011, p. 13).*

Amendment 3

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) In order to respond appropriately to evolving policy priorities, threats and technologies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the customs control purposes for actions eligible under the Instrument and the list of indicators to measure the achievement of the specific objectives. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the

Amendment

(22) In order to respond appropriately to evolving policy priorities, threats and technologies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ***adopting work programmes***, amending the customs control purposes for actions eligible under the Instrument and the list of indicators to measure the achievement of the specific objectives. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the

preparation of delegated acts.

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Amendment 4

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.

Amendment

(24) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.
Funding under this Instrument should respect the principles of transparency, proportionality, equal treatment and non-discrimination.

Amendment 5

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objective of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative

Amendment

(25) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objective of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative

burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

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

Amendment 6

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26 a) Reflecting the urgency of tackling climate change in line with the Union's commitments to implement the Paris Agreement and to be a frontrunner in implementing the United Nations Sustainable Development Goals including gender equality, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of at least 25% of the EU budget expenditures supporting climate objectives over the MFF 2021-2027 period and 30% as soon as possible and at the latest by 2027. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

Amendment 7

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The financial envelope for the

1. The financial envelope for the

implementation of the Instrument for the period 2021 – 2027 shall be EUR 1 300 000 000 in current prices.

implementation of the Instrument for the period 2021 – 2027 shall be EUR **1 149 175 000 in 2018 prices** (EUR 1 300 000 000 in current prices).

Justification

The financial envelope is proposed to be amended in line with the EP resolutions of 14 March and 30 May on the next MFF, based on a preliminary technical breakdown per programme that could be subject to further adjustments, while respecting the overall EP position as set out in those resolutions and the overall level of 1.3% of the EU-27 GNI.

Amendment 8

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. ***The work programmes shall be adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15.***

Amendment

2. The Commission ***is empowered to adopt delegated acts*** in accordance with Article 14, ***amending Annex IIa to lay down work programmes.***

Amendment 9

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The interim evaluation of the Instrument shall be performed once there is sufficient information available about the implementation of the Instrument, but no later than ***four*** years after the start of the implementation of the Instrument.

Amendment

2. The interim evaluation of the Instrument shall be performed once there is sufficient information available about the implementation of the Instrument, but no later than ***two*** years after the start of the implementation of the Instrument.

Amendment 10

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. At the end of the implementation of the Instrument, but no later than **four** years after the end of the period specified in Article 1, a final evaluation of the Instrument shall be carried out by the Commission.

Amendment

3. At the end of the implementation of the Instrument, but no later than **two** years after the end of the period specified in Article 1, a final evaluation of the Instrument shall be carried out by the Commission.

Amendment 11

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 6(3) and 12(2) shall be conferred on the Commission until 31 December 2028.

Amendment

2. The power to adopt delegated acts referred to in Articles 6(3), **11(2)** and 12(2) shall be conferred on the Commission until 31 December 2028.

Amendment 12

**Proposal for a regulation
Article 14 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Articles 6(3) and 12(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 6(3), **11(2)** and 12(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 13

**Proposal for a regulation
Article 14 – paragraph 6**

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 6(3) and 12(2) shall enter into force if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 6(3), **11(2)** and 12(2) shall enter into force if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.

Amendment 14

**Proposal for a regulation
Article 15**

Text proposed by the Commission

Article 15

Committee procedure

1. *The Commission shall be assisted by the “Customs Programme Committee” referred to in Article 18 of Regulation (EU) [2018/XXX]³⁸.*

2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.*

³⁸ COM(2018) 442.

Amendment

deleted

Amendment 15

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

Text proposed by the Commission

1. The recipients of Union funding

Amendment

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shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public, ***thereby showing the Union added value and aiding the data gathering efforts of the Commission in order to enhance budgetary transparency.***

Amendment 16

Proposal for a regulation Annex II a (new)

Text proposed by the Commission

Amendment

Annex IIa

Work programmes

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment
References	COM(2018)0474 – C8-0273/2018 – 2018/0258(COD)
Committee responsible Date announced in plenary	IMCO 2.7.2018
Opinion by Date announced in plenary	BUDG 2.7.2018
Rapporteur Date appointed	Georgios Kyrtos 28.6.2018
Discussed in committee	26.9.2018
Date adopted	5.11.2018
Result of final vote	+: 25 –: 2 0: 1
Members present for the final vote	Jean Arthuis, Reimer Böge, Lefteris Christoforou, Gérard Deprez, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Ingeborg Gräßle, Monika Hohlmeier, John Howarth, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Jan Olbrycht, Paul Rübig, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti, Tiemo Wölken, Marco Zanni
Substitutes present for the final vote	Karine Gloanec Maurin, Alain Lamassoure, Janusz Lewandowski, Andrey Novakov, Marco Valli
Substitutes under Rule 200(2) present for the final vote	Michael Detjen

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ALDE	Jean Arthuis, Gérard Deprez
ECR	Bernd Kölmel, Zbigniew Kuźmiuk
EFDD	Marco Valli
PPE	Reimer Böge, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Monika Hohlmeier, Alain Lamassoure, Janusz Lewandowski, Andrey Novakov, Jan Olbrycht, Paul Rübig, Inese Vaidere
S&D	Michael Detjen, Eider Gardiazabal Rubial, Karine Gloanec Maurin, John Howarth, Vladimír Maňka, Isabelle Thomas, Daniele Viotti, Tiemo Wölken
VERTS/ALE	Indrek Tarand

2	-
ENF	André Elissen
NI	Eleftherios Synadinos

1	0
ENF	Marco Zanni

Key to symbols:

+ : in favour

- : against

0 : abstention