



2015/0310(COD)

21.4.2016

AMENDMENTS

102 - 343

Draft report

Artis Pabriks

(PE578.803v01-00)

on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC

Proposal for a regulation

(COM(2015)0671 – C8-0408/2015 – 2015/0310(COD))

Amendment 102

Vicky Maeijer, Gilles Lebreton, Marine Le Pen

Draft legislative resolution

Paragraph 1

Draft legislative resolution

1. ***Adopts its*** position at first reading hereinafter set out;

Amendment

1. ***Rejects the*** position at first reading hereinafter set out;

Or. en

Amendment 103

Marina Albiol Guzmán, Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk

Draft legislative resolution

Paragraph 1

Draft legislative resolution

1. ***Adopts its position at first reading*** hereinafter set out;

Amendment

1. ***Rejects the proposal of the Commission and urges the presentation of a new proposal with an approach based on the respect of fundamental rights and international obligations;***

Or. en

Amendment 104

Malin Björk, Marie-Christine Vergiat

Proposal for a regulation

Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the European Border ***and Coast Guard***
and repealing Regulation (EC) No
2007/2004, Regulation (EC) No 863/2007

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the European Border ***Agency***
and repealing Regulation (EC) No
2007/2004, Regulation (EC) No 863/2007

(This amendment applies throughout the text.)

Or. en

Amendment 105

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Elly Schlein

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) On 25 and 26 June 2015,¹² the European Council called for wider efforts in resolving the **migrant crisis** in a comprehensive manner, including through the reinforcement of the management of borders to better manage growing mixed migratory flows. Furthermore, on 23 September 2015,¹³ the European Council stressed the need to tackle the dramatic situation at the external borders as well as to strengthen the controls at those borders, notably through additional resources for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, the European Asylum Support Office and Europol, with human resources and technical contributions from Member States.

¹² Meeting of the European Council, Conclusions of 25 and 26 June 2015.

¹³ Informal meeting of EU Heads of State or Government on migration, Statement of 23 September 2015.

Amendment

(1) On 25 and 26 June 2015,¹² the European Council called for wider efforts in resolving the **unprecedented migratory flows** in a comprehensive manner, including through the reinforcement of the management of borders to better manage growing mixed migratory flows. Furthermore, on 23 September 2015,¹³ the European Council stressed the need to tackle the dramatic situation at the external borders as well as to strengthen the controls at those borders, notably through additional resources for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, the European Asylum Support Office and Europol, with human resources and technical contributions from Member States.

¹² Meeting of the European Council, Conclusions of 25 and 26 June 2015.

¹³ Informal meeting of EU Heads of State or Government on migration, Statement of 23 September 2015.

Or. en

Amendment 106
Geoffrey Van Orden

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Whereas improved practical preventive measures may help ameliorate the situation, a more fundamental change in overall policy is required in order to dampen the expectations of potential irregular migrants and reduce the ‘pull’ factors. At the same time, the effect of legal objections to a more rigorous policy need to be considered and this may require review of certain international conventions.

Or. en

Amendment 107
Monika Hohlmeier

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) On the 9th and the 20th of November 2015, the Council was calling in its conclusions for a solid legal basis for the contribution of the new European Border and Coast Guard agency to the fight against terrorism and organised cross-border crime and access to the relevant data bases.

Or. en

Amendment 108
Ana Gomes

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.
At the same time, it is understood that these measures need to be integrated on wider strategies, namely to address the root causes of the migration crisis and to establish a functional EU asylum system.

Or. en

Amendment 109
Gilles Lebreton, Marine Le Pen, Janice Atkinson

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is ***central to improving*** migration management and ensuring a high level of internal security within the Union.

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is ***intended to improve*** migration management and ensuring a high level of internal security within the Union.
The only effective way to meet these objectives, however, is to re-establish

national borders.

Or. fr

Amendment 110

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons ***and goods*** within the Union and is a fundamental component of an area of freedom, security and justice, ***and economic prosperity***. European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union, ***in addition to helping to ensure and enable good transport, logistics and infrastructure links across external borders.***

Or. en

Amendment 111

Ska Keller

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national

and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to *improving migration management and ensuring* a high level of internal security within the Union.

and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. European integrated border management is central to *controlling the borders effectively and thereby contributing to* a high level of internal security within the Union, *and to ensure the protection and saving the lives of migrants and refugees in full compliance with the principle of non-refoulement and fundamental rights. It should facilitate legitimate travel, ensure a high level of safety at the external borders and access for persons in need of international protection.*

Or. en

Amendment 112

Gilles Lebreton, Marine Le Pen, Janice Atkinson

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. *European integrated border management is central to improving migration management and ensuring a high level of internal security within the Union.*

Amendment

(2) The objective of Union policy in the field of external border management is to develop and implement European integrated border management at national and Union level, which is a necessary corollary to the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice.

Or. fr

Amendment 113

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Elly Schlein

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement, *including return*.

Amendment

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement.

Or. en

Amendment 114

Ana Gomes

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement, *including return*.

Amendment

(3) European integrated border management, based on the four-tier access model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external border itself as well as risk analysis, and measures within the area of free movement.

Or. en

Justification

Unnecessary and excessive focus on returns.

Amendment 115

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The external borders of the European Union are subject to major pressures, such as an unprecedented migratory flow, a growing terrorist threat and an increase in the number of regular travellers. Effective management of those pressures calls for coordinated action at EU level as part of a long-term strategy.

Or. it

Amendment 116

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, relies upon the common use of information, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established **and provided with the requisite financial and human resources and equipment**. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, relies upon the common use of information, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

Or. fr

Amendment 117

Ana Gomes

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, relies upon the common use of information, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

Amendment

(4) To ensure the effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including ***national navies*** ***and*** coast guards to the extent that they carry out border control tasks ***and*** ***maritime security***, relies upon the ***sharing*** ***and*** common use of information, ***intelligence***, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

As stated in the EP INI Maritime dimension of the Common Security and Defence Policy (2012/2318(INI)), it is crucial to make use of national navies expertise and experience in this field.

Amendment 118

Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) To ensure the *effective implementation of the European integrated border management, a European Border and Coast Guard should be established. The European Border and Coast Guard, which comprises the European Border and Coast Guard Agency and national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, relies upon the common use of information, capabilities and systems at national level and the response of the European Border and Coast Guard Agency at Union level.*

(4) To ensure the *European Union and its Member States' international obligations are kept, a civilian body with the task of carrying out search and rescue operations, in close cooperation with NGOs and other organizations, as well as facilitating the access to international protection of those in need of it, should be established.*

Or. en

Amendment 119

Iliana Iotova, Tonino Picula, Emilian Pavel, Miriam Dalli

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *Whereas the proposed European Border and Coast Guard is intended to replace Frontex and is meant to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring high level of internal security within the Union, while safeguarding the free movement of persons therein; in line with the Treaties and their Protocols, notes that the Member States to which provisions of the Schengen acquis on lifting border controls are yet to apply can participate in and/or benefit from all the actions under the new proposal.*

Or. en

Amendment 120
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) European integrated border management is a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. **While** Member States retain the primary responsibility for the management of ***their section of the*** external borders in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ***ensure*** the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Amendment

(5) European integrated border management is a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. Member States retain the primary responsibility for the management of external borders in their interest and in the interest of all Member States which have abolished internal border control. The European Border and Coast Guard Agency should ***support*** the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Or. fr

Amendment 121
Anna Maria Corazza Bildt

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) European integrated border management is a ***shared*** responsibility of the ***European Border and Coast Guard Agency and the*** national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. While

Amendment

(5) European integrated ***external*** border management is a responsibility of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks ***complemented by the European Border and Coast Guard***

Member States retain the primary responsibility for the management of their section of the external borders in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ensure the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Agency. While Member States retain the primary responsibility for the management of their section of the external borders in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ensure the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Or. en

Amendment 122

Lucy Anderson, Claude Moraes, Miltiadis Kyrkos, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi, Wim van de Camp

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) European integrated border management is a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. While Member States retain the primary responsibility for the management of their section of the external borders in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ensure the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Amendment

(5) European integrated border management is a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out **maritime border surveillance operations and any other** border control tasks. While Member States retain the primary responsibility for the management of their section of the external borders in their interest and in the interest of all Member States which have abolished internal border control, the European Border and Coast Guard Agency should ensure the application of Union measures relating to the management of the external borders by reinforcing, assessing and coordinating the actions of Member States which implement those measures.

Or. en

Amendment 123

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The development and implementation of an integrated external border management system at Union level calls for the framing of a global European strategy for external border management which lays down the main guidelines, priorities and shared objectives. That global strategy should be drawn up by the Commission, subject to approval by the Council and Parliament.

Or. fr

Justification

Le présent Règlement n'a pas que pour objectif la création d'une agence européenne de garde-frontière et de garde-côtes mais a également pour objectif le développement et la mise en oeuvre d'un système de gestion intégrée des frontières extérieures. Ce nouveau concept est défini à l'article 4 du présent Règlement. Le dispositif actuel prévoit que l'Agence est chargée d'élaborer la stratégie technique et opérationnelle pour la gestion intégrée des frontières extérieures mais rien n'est prévu dans le dispositif concernant l'élaboration d'une stratégie politique globale. Or, l'intégration européenne de la gestion des frontières nécessite l'élaboration d'orientations et de priorités communes et d'objectifs communs.

Amendment 124

Malin Björk, Marie-Christine Vergiat, Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Women as well as LGBTI persons are subject to specific forms of gender based persecution, still too often not recognised in the asylum procedures.

Amendment 125

Malin Björk, Marie-Christine Vergiat, Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of the agency.

Or. en

Amendment 126

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) The development of the policy and legislation on external border control and return remains a responsibility of the Union institutions. Close coordination between the European Border and Coast Guard Agency **and those institutions** should be guaranteed.

(6) The development of the policy and legislation on external border control and return remains a responsibility of the Union institutions. ***In the spirit of shared competences with Member States, including in the areas of freedom, security and justice and of transport as set out in Article 4 of the Treaty on the Functioning of the European Union, close cooperation and effective*** coordination between the European Border and Coast Guard Agency, ***those institutions and the Member States*** should be guaranteed.

Or. en

Amendment 127

Ska Keller

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, commonly referred to as Frontex, was established by Council Regulation (EC) No 2007/2004.¹⁴ Since taking up its responsibilities on 1 May 2005, it has been successful in assisting Member States with implementing the operational aspects of external border management through joint operations and rapid border interventions, as well as risk analysis, information exchange, relations with third countries and the return of third-country nationals *illegally* staying on the territory of Member States.

¹⁴ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

Amendment

(7) The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, commonly referred to as Frontex, was established by Council Regulation (EC) No 2007/2004.¹⁴ Since taking up its responsibilities on 1 May 2005, it has been successful in assisting Member States with implementing the operational aspects of external border management through joint operations and rapid border interventions, as well as risk analysis, information exchange, relations with third countries and the return of third-country nationals *irregularly* staying on the territory of Member States.

¹⁴ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

Or. en

Amendment 128

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Recital 7

(7) The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, commonly referred to as Frontex, was established by Council Regulation (EC) No 2007/2004.¹⁴ Since taking up its responsibilities on 1 May 2005, it has been successful in assisting Member States with implementing the operational aspects of external border management through joint operations and rapid border interventions, as well as risk analysis, information exchange, relations with third countries and the return of third-country nationals *illegally staying on the territory of Member States*.

(7) The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, commonly referred to as Frontex, was established by Council Regulation (EC) No 2007/2004.¹⁴ Since taking up its responsibilities on 1 May 2005, it has been successful in assisting Member States with implementing the operational aspects of external border management through joint operations and rapid border interventions, as well as risk analysis, information exchange, relations with third countries and the return of *irregularly staying* third-country nationals *who are the subject of a final return decision issued by a Member State*,

¹⁴ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

¹⁴ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

Or. en

Amendment 129

Ska Keller

Proposal for a regulation

Recital 8

(8) Having regard to the increasing migratory pressures at the external borders, to the necessity of *ensuring* a high level of internal security within the Union and to safeguard the functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary to reinforce the

(8) Having regard to the increasing migratory pressures at the external borders, to the *high death toll in the Mediterranean sea, to the necessity of controlling the borders effectively and thereby contributing to* a high level of internal security within the Union and to

management of the external borders by building on the work of Frontex and further develop it into an Agency with a shared responsibility for the management of the external borders.

safeguard the functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary to reinforce the management of the external borders by building on the work of Frontex and further develop it into an Agency with a shared responsibility for the management of the external borders *including the rescue of persons in distress at sea*.

Or. en

Amendment 130

Gilles Lebreton, Marine Le Pen, Janice Atkinson

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Having regard to the increasing migratory pressures at the external borders, *to the necessity of ensuring a high level of internal security within the Union and to safeguard the functioning of the Schengen area as well as the overarching principle of solidarity*, it is necessary to reinforce the management of the external borders by building on the work of Frontex and further develop it into an Agency with a shared responsibility for the management of the external borders.

Amendment

(8) Having regard to the increasing migratory pressures at the external borders, it is necessary to reinforce the management of the external borders by building on the work of Frontex and further develop it into an Agency with a shared responsibility for the management of the external borders.

Or. fr

Amendment 131

Rachida Dati, Brice Hortefeux

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Having regard to the increasing migratory pressures at the external borders,

Amendment

(8) Having regard to the increasing migratory pressures at the external borders,

to the necessity of ensuring a high level of internal security within the Union and to safeguard the functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary to reinforce the management of the external borders by building on the work of Frontex and further develop it into an Agency with a shared responsibility for the management of the external borders.

to the necessity of ensuring a high level of internal security within the Union and to safeguard the functioning of the Schengen area as well as the overarching principle of solidarity, it is necessary to reinforce the management of the external borders by building on the work of Frontex, ***through the expansion of its operational capacities***, and further develop it into an Agency with a shared responsibility for the management of the external borders.

Or. fr

Amendment 132

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Significant secondary movements by asylum seekers and irregular migrants who have not been appropriately registered by national border authorities have prompted several Member States to decide to restore internal border controls. External border controls therefore need to be provided and strengthened.

Or. it

Amendment 133

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key

role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee **and assess** the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct **search and rescue operations**, return operations and return interventions.

Or. fr

Amendment 134
Ana Gomes

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions. ***These tasks should be carried out with respect***

for the mandates and powers of the other relevant EU agencies, namely EASO and Europol.

Or. en

Amendment 135

Lucy Anderson, Claude Moraes, Marju Lauristin, Miltiadis Kyrkos, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, **and** to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions ***while ensuring full respect of human rights in their actions and activities and the fulfilment of asylum obligations and commitments of each Member State.***

Or. en

Justification

As approved by TRAN Committee in the opinion on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI) - A8-0066/2016

Amendment 136
Rachida Dati, Brice Hortefeux

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an operational and technical strategy for the implementation of an integrated border management at Union level, ***subject to Member State approval***, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Or. fr

Amendment 137
Ska Keller

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an

Amendment

(9) The tasks of Frontex should therefore be expanded and to reflect those changes, it should be renamed European Border and Coast Guard Agency. The key role of the European Border and Coast Guard Agency should be to establish an

operational and technical strategy for the implementation of an integrated border management at Union level, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

operational and technical strategy for the implementation of an integrated border management at Union level, to *assist Member States in ensuring the protection and saving the lives of migrants and refugees, to adopt and promote the highest standards for transparent border management practices in full respect of fundamental rights and the rule of law*, to oversee the effective functioning of border control at the external borders, to provide increased operational and technical assistance to Member States through joint operations and rapid border interventions, and to ensure the practical execution of measures in case of a situation requiring urgent action at the external borders, as well as to organise, coordinate and conduct return operations and return interventions.

Or. en

Amendment 138
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) *The agency shall carry out its tasks without prejudice to the competence of the Member States with regard to defence.*

Or. en

Amendment 139
Ska Keller

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The expanded tasks and competences of the European Border and Coast Guard Agency should go hand in hand with strengthened fundamental rights safeguards and an increased accountability of the Agency.

Or. en

Amendment 140

Malin Björk, Marie-Christine Vergiat, Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) According to Article 5 of the European Convention of Human Rights, deprivation of liberty for immigration-related reasons can only be used as a measure of last resort. An assessment needs to be made in each individual case to determine whether all the preconditions required to prevent arbitrary detention are fulfilled.

Or. en

Amendment 141

Filiz Hyusmenova, Nathalie Griesbeck, Sophia in 't Veld, Cecilia Wikström, Louis Michel

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Given the role of the European Border and Coast Guard for insuring high level internal security within the Union, while safeguarding the free

movement of persons therein, and in line with the Treaties and their Protocols, Member States which are party to the Schengen Agreements but not yet part of the Schengen Area without internal controls, shall participate and benefit on equal footing in the European Border and Coast Guard, its actions, bodies and financial allocations.

Or. en

Amendment 142
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders with a law enforcement purpose, to the extent this cooperation is compatible with the action of the Agency.

Or. en

Amendment 143
Gilles Lebreton, Marine Le Pen, Janice Atkinson, Lorenzo Fontana

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of

information.

information. *All the Agency's activities should be subject to close supervision by the Member States directly affected.*

Or. fr

Amendment 144

Ana Gomes

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of information.

Amendment

(10) The European Border and Coast Guard Agency relies on the cooperation of Member States to be able to perform its tasks effectively *and shall promote and facilitate that cooperation*. In this respect, it is important for the Agency and the Member States to act in good faith and to have a timely and accurate exchange of information.

Or. en

Amendment 145

Ana Gomes

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management,

Amendment

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management,

especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings **and terrorism**, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings, **terrorism and other security threats**, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders. **Such tasks shall be undertaken in consultation and cooperation with other relevant EU agencies.**

Or. en

Amendment 146

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Elly Schlein

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, **especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings and terrorism**, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a

Amendment

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

view to improving the integrated management of external borders.

Or. en

Amendment 147

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings *and* terrorism, as well as the situation at *neighbouring* third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Amendment

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including facilitation of irregular immigration, trafficking in human beings, terrorism *and hybrid threats*, as well as the situation at *relevant* third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Or. fr

Amendment 148

Ska Keller

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including *facilitation of irregular immigration*, trafficking in human beings and terrorism, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Amendment

(11) The European Border and Coast Guard Agency should prepare general and tailored risk analysis based on a common integrated risk analysis model, to be applied by the Agency itself and by Member States. The European Border and Coast Guard Agency should, based also on information provided by Member States, provide adequate information and intelligence covering all aspects relevant to European integrated border management, especially border control, return, irregular secondary movements of third-country nationals within the Union, prevention of cross-border crime including *migrant smuggling*, trafficking in human beings and terrorism, as well as the situation at neighbouring third countries, so as to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders.

Or. en

Amendment 149

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The attacks in Paris and Brussels have demonstrated that irregular migratory flows can be used by terrorists to enter EU territory; this shows there is a close link between the vulnerability of external borders and increased threats to internal security.

Or. it

Amendment 150
Geoffrey Van Orden

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) ***In a spirit of shared responsibility***, the role of the European Border and Coast Guard Agency should be to regularly monitor the management of the external borders. The Agency should ensure proper and effective monitoring not only through risk analysis, information exchange and Eurosur, but also ***through presence of experts from its own staff in Member States***. The Agency should therefore be able to deploy liaison officers to specific Member States for a period of time during which the liaison officer reports to the Executive Director. The report of the liaison officers should form part of the vulnerability assessment.

Amendment

(12) ***Undertaking a shared responsibility with the Member States***, the role of the European Border and Coast Guard Agency should be to regularly monitor the management of the external borders. The Agency should ensure proper and effective monitoring not only through risk analysis, information exchange and Eurosur, but also ***in full cooperation with Member States and respecting the rights of non-Schengen countries***. The Agency should therefore be able to deploy liaison officers to specific Member States ***with their consent*** for a period of time during which the liaison officer reports to the Executive Director ***and the relevant head of the Member State border and coastguard agency***. The report of the liaison officers should form part of the vulnerability assessment.

Or. en

Amendment 151
Ana Gomes

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The European Border and Coast Guard Agency should ***carry out a vulnerability assessment to assess*** the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible

Amendment

(13) ***As a preventive measure***, The European Border and Coast Guard Agency should ***monitor*** the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external

crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

borders. *A vulnerability assessment is to be carried out on an annual basis, based on objective criteria and on information provided by the Member State and by the liaison officer. On its own initiative or under request of the European Parliament, the Agency can carry out an emergency update at any time.* Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. en

Justification

It is necessary to establish how often the assessment should be carried out. Moreover, given the fast changing nature of the subject, it is important to introduce a flexibility mechanism.

Amendment 152 **Ska Keller**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible

Amendment

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment, ***based on objective criteria***, to assess the capacity of the Member States to face challenges at their external borders ***and respect for fundamental rights therein***, including by assessing the equipment and resources of

crises at the external borders. ***Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and*** where the necessary measures are not taken ***within the set time-limit***, the matter needs to be referred to the Management Board for a further ***decision***.

Member States as well as their contingency plans to address possible crises at the external borders, ***their performance regarding the facilitation of regular border crossing and their ability to save lives and prevent death at sea, the existence of a well-functioning mechanisms for the protection of fundamental rights and the referral of persons who might be in need of international protection. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director should identify the measures to be taken.*** Where the necessary measures are not taken, the matter needs to be referred to the Management Board for a further ***recommendation***.

Or. en

Amendment 153

Miriam Dalli

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, ***on the advice of a Supervisory Board created within the European Border and Coast Guard Agency***, should identify the measures to be taken ***by*** the Member State concerned and should set a time-limit

Amendment

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, should identify the measures to be taken ***and recommend them to*** the Member State concerned ***for its action*** and should set a time-limit within which those measures should be taken. Where the necessary

within which those measures should be taken. ***That decision should be binding on that Member State and*** where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. en

Amendment 154

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of ***a Supervisory*** Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Amendment

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of ***an Advisory*** Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. en

Amendment 155

Michal Boni

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Amendment

(13) The European Border and Coast Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. ***The access to the information on and to equipment, resources and contingency plans has to be provided by the Member States for assessment to be carried.*** Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, on the advice of a Supervisory Board created within the European Border and Coast Guard Agency, should identify the measures to be taken by the Member State concerned and should set a time-limit within which those measures should be taken. That decision should be binding on that Member State and where the necessary measures are not taken within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. en

Amendment 156

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European Border and Coast

Amendment

(13) The European Border and Coast

Guard Agency should carry out a vulnerability assessment to assess the capacity of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director, *on the advice of a Supervisory Board created within the European Border and Coast Guard Agency*, should identify the measures to be taken *by* the Member State concerned and should set a time-limit within which those measures should be taken. *That decision should be binding on* that Member State *and where* the necessary measures *are not taken* within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Guard Agency should carry out a vulnerability assessment to assess the capacity *and state of preparedness* of the Member States to face challenges at their external borders, including by assessing the equipment and resources of Member States as well as their contingency plans to address possible crises at the external borders. Member States should take corrective action to address any deficiencies identified in that assessment. The Executive Director should identify the measures to be taken *and recommend them to* the Member State concerned and should set a time-limit within which those measures should be taken. *If* that Member State *fails to take* the necessary measures within the set time-limit, the matter needs to be referred to the Management Board for a further decision.

Or. fr

Amendment 157
Miriam Dalli

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The vulnerability assessment carried out by the European Border and Coast Guard Agency should be a preventive measure carried out every 6 months on the basis of a risk analysis, complimenting the Schengen evaluation and monitoring mechanism set up pursuant to Council Regulation No 1053/2013^{1a}

^{1a} ***Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an***

evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen

Or. en

Amendment 158

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The vulnerability assessment shall also assess how Member States respect fundamental rights, including appropriate and adequate reception conditions for the migrants, refugees and asylum seekers arriving at the border, the presence and effectiveness of instruments that ensure access to information for migrants, asylum-seekers and refugees, the possibility to apply for international protection, the access to legal assistance, the identification and referral of asylum seekers, refugees and migrants to relevant procedures, the access to effective remedies. Such assessment shall be made in cooperation with the Consultative Forum, the Fundamental Rights Centre, the Fundamental Rights Agency and EASO.

Or. en

Amendment 159

Geoffrey Van Orden

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency should **organise the** appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border **resulting from irregular immigration or cross-border crime**. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State **or on its own initiative, organise and coordinate** joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Amendment

(14) The European Border and Coast Guard Agency should **offer** appropriate **additional** technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State, **engage in** joint operations for one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff **as required and when requested**.

Or. en

Amendment 160

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border resulting from irregular **immigration** or cross-border crime. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate joint operations for

Amendment

(14) The European Border and Coast Guard Agency should organise the appropriate technical and operational assistance to Member States so as to reinforce their capacity to implement their obligations with regard to the control of the external borders, and to face challenges at the external border resulting from irregular **migration** or cross-border crime. In this respect, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate joint operations for

one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

one or more Member States and deploy European Border and Coast Guard Teams as well as the necessary technical equipment, and it may deploy experts from its own staff.

Or. en

Amendment 161

Marina Albiol Guzmán, Malin Björk

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

deleted

Or. en

Amendment 162

Mariya Gabriel, Emil Radev

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

Amendment

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make ***a sufficient number of qualified*** border guards and other relevant staff available to the rapid reserve pool, ***unless they are facing an exceptional situation that is impacting significantly on the discharge of national-level tasks.***

Or. bg

Amendment 163

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and

Amendment

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, at the request of a Member State or on its own initiative, organise and coordinate rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement ***for a limited period*** in situations where immediate

where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

Or. fr

Amendment 164
Geoffrey Van Orden

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should, ***at the request of*** a Member State ***or on its own initiative, organise and coordinate*** rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other relevant staff available to the rapid reserve pool.

Amendment

(15) In cases where there is a specific and disproportionate pressure at the external borders, the European Border and Coast Guard Agency should ***offer to*** a Member State ***to assist with*** rapid border interventions and deploy European Border and Coast Guard Teams from a rapid reserve pool as well as technical equipment. Rapid border interventions should provide reinforcement in situations where immediate response is required and where such an intervention would provide an effective response. To ensure the effective operation of such intervention, Member States should make border guards and other ***necessary*** relevant staff available to the rapid reserve pool ***as soon as possible***.

Or. en

Amendment 165
Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Kati Piri, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Elly Schlein

Proposal for a regulation
Recital 15 a (new)

(15a) During a border surveillance operation at sea, a situation may occur where it will be necessary to render assistance to persons found in distress. In accordance with international law, every State must require the master of a vessel flying its flag, in so far as he can do so without serious danger to the vessel, the crew or the passengers, to render assistance without delay to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress. Such assistance should be provided regardless of the nationality or status of the persons to be assisted or of the circumstances in which they are found. The shipmaster and crew should not face criminal penalties for the sole reason of having rescued persons in distress at sea and brought them to a place of safety.

Or. en

Justification

Consequential addition given the inclusion of SAR Operations in European Integrated Border Management in Article 4. Based on Recital 14 of Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex.

Amendment 166

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Elly Schlein

Proposal for a regulation

Recital 15 b (new)

(15b) The obligation to render assistance to persons found in distress should be fulfilled by Member States and the

Agency in accordance with the applicable provisions of international instruments governing search and rescue situations and in accordance with requirements concerning the protection of fundamental rights. This Regulation should not affect the responsibilities of search and rescue authorities, including for ensuring that coordination and cooperation is conducted in such a way that the persons rescued can be delivered to a place of safety.

Or. en

Justification

Consequential addition given the inclusion of SAR Operations in European Integrated Border Management in Article 4. Based on Recital 14 of Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex.

Amendment 167

Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk, Kostas Chrysogonos

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) At particular areas of the external borders where Member States face ***disproportionate*** migratory pressures characterised by ***large*** influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States ***by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European***

Amendment

(16) At particular areas of the external borders where Member States face migratory pressures characterised by influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States ***to ensure fundamental rights are respected and international obligations and principles are respected. In these areas migrants and asylum seekers will be assisted in their immediate needs with a gender-sensitive***

Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

approach by fundamental rights and child protection experts, and distributed to different Member States, and will not be placed under detention.

Or. en

Amendment 168

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Kati Piri, Miltiadis Kyrkos, Elly Schlein

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) At particular areas of the external borders where Member States face disproportionate **migratory** pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

Amendment

(16) At particular areas of the external borders where Member States face disproportionate pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

Or. en

Amendment 169

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 16

(16) ***At particular areas of the external borders where*** Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, ***the*** Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

(16) ***If one Member State or several*** Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, ***this or these*** Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

Or. fr

Amendment 170
Ska Keller

Proposal for a regulation
Recital 16

(16) ***At particular areas of the external borders*** where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, ***referred to as hotspot areas***, the Member States should be able to rely on the increased operational and technical reinforcement by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other

(16) Where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, the Member States should be able to rely on the increased operational and technical reinforcement ***in hotspot areas*** by the migration management support teams composed of teams of experts deployed from Member States by the European Border and Coast Guard Agency and the European Asylum Support Office, and from Europol or other relevant Union Agencies, as well as experts from

relevant Union Agencies, as well as experts from the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

the staff of the European Border and Coast Guard Agency. The European Border and Coast Guard Agency should assist the Commission in the coordination among the different agencies on the ground.

Or. en

Amendment 171

Barbara Matera, Anna Maria Corazza Bildt

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Europol has affirmed that there are more than ten thousands children missing after their arrival in Europe. The European Border and Coast Guard should work closely with Europol on the fight against trafficking in human beings as well as on the issue of missing children.

Or. en

Amendment 172

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Filiz Hyusmenova, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent

which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up *with the Member State concerned*.

which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up.

Or. en

Amendment 173
Anna Maria Corazza Bildt

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency *and require the Member State concerned to cooperate with the Agency in the implementation of those measures*.

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the *Member State involved and the* European Border and Coast Guard Agency, *and propose it to the Council, that should adopt these measures with a qualified*

The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the **Commission** decision, and an operational plan should be drawn up with the Member State concerned.

majority vote. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the **Council's** decision, and an operational plan should be drawn up with the Member State concerned.

Or. en

Amendment 174

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, **a** unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, **including the restriction of free movement of persons and goods through road, maritime and rail freight routes as set by the pillars of the EU TEN-T and Connecting Europe policies**, unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be

drawn up with the Member State concerned.

Or. en

Amendment 175
Filiz Hyusmenova

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the ***internal security within the Union, the free movement of persons therein or the*** functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Or. en

Amendment 176
Emil Radev, Mariya Gabriel, Andrej Plenković

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which ***risks putting in jeopardy the functioning of the Schengen area***, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which ***jeopardises the public order and internal security in the EU***, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Or. en

Amendment 177
Traian Ungureanu, Csaba Sógor

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the

external borders, *rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area*, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

external borders, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Or. en

Amendment 178

Artis Pabriks, Monika Hohlmeier, Jeroen Lenaers, Kinga Gál

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency **and require** the Member State

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency. **For the adoption of such**

concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the *Commission* decision, and an operational plan should be drawn up with the Member State concerned.

measures, given the sovereignty related aspects and their politically sensitive nature which touch on national executive and enforcement powers, implementing powers should be conferred on the Council, which should act on a proposal from the Commission. The Member State concerned *should be required* to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the *Council* decision, and an operational plan should be drawn up with the Member State concerned.

Or. en

Amendment 179

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders *in connection with which it has not requested the Agency's support*, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify *and propose to the Member States meeting in the Council* the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with

taken for the practical execution of the measures indicated in the *Commission* decision, and an operational plan should be drawn up with the Member State concerned.

the Agency in the implementation of those measures. *The Council should approve the proposed measures and their implementation as quickly as possible.* The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the *Council* decision, and an operational plan should be drawn up with the Member State concerned.

Or. fr

Amendment 180

Ska Keller

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should **identify** the measures to be implemented by the European Border and Coast Guard Agency and **require** the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should **recommend** the measures to be implemented by the European Border and Coast Guard Agency and **recommend** the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned, ***unless that Member State***

concerned.

objects.

Or. en

Amendment 181

Petri Sarvamaa

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned.

Amendment

(17) In cases where a Member State does not take the necessary corrective action in line with the vulnerability assessment or in the event of disproportionate migratory pressure at the external borders, rendering the control at the external border ineffective to an extent which risks putting in jeopardy the functioning of the Schengen area, a unified, rapid and effective response should be delivered at Union level. For this purpose, and to ensure better coordination at Union level, the Commission should identify the measures to be implemented by the European Border and Coast Guard Agency and require the Member State concerned to cooperate with the Agency in the implementation of those measures. The European Border and Coast Guard Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Commission decision, and an operational plan should be drawn up with the Member State concerned. ***In case that the Member State chooses not to cooperate the Commission should recommend excluding the Member State from the Schengen area for a limited time.***

Or. en

Amendment 182

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Filiz Hyusmenova, Cecilia Wikström, Sophia in 't Veld, Petr Ježek, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The European Border and Coast Guard Agency should carry out and assist Member States in search and rescue operations for persons in distress at sea and should fulfil this task in full compliance with fundamental rights, in particular the Charter of Fundamental Rights of the European Union, the Convention Relating to the Status of Refugees and obligations related to access to international protection, in particular the principle of non-refoulement, the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, and the International Convention on Maritime Search and Rescue.

Or. en

Justification

Following the recent events in the Mediterranean and the dramatic loss of lives, it is clear that the new FRONTEX / EBCG must also focus on search and rescue at sea. It has to be clearly specified in specifics paragraphs and recitals.

Amendment 183

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) The European Border and Coast Guard Agency should have the necessary

(18) The European Border and Coast Guard Agency should have the necessary

equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action, the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps *composed of a small percentage of the total number of border guards in the Member States*, which should amount to a minimum of 1 500. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action, the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps, which should amount to a minimum of 1 500 *border guards*. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

Or. fr

Amendment 184
Geoffrey Van Orden

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) *The European Border and Coast Guard Agency should have the necessary equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action*, the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of *a small* percentage of the total number of border guards in the Member States, *which should amount to a minimum of 1 500*. The deployment of the European Border and

Amendment

(18) The European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of *an adequate* percentage of the total number of border guards in the Member States. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams as appropriate.

Or. en

Amendment 185

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) The European Border and Coast Guard Agency should have the necessary equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action, the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of a small percentage of the total number of border guards in the Member States, which should amount to a minimum of 1 500. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams *as appropriate*.

Amendment

(18) The European Border and Coast Guard Agency should have the necessary equipment and staff at its disposal to be deployed in joint operations or rapid border interventions. To this end, when launching rapid border interventions at the request of a Member State or in the context of a situation requiring urgent action, the European Border and Coast Guard Agency should be able to deploy European Border and Coast Guard Teams from a rapid reserve pool which should be a standing corps composed of a small percentage of the total number of border guards in the Member States, which should amount to a minimum of 1 500. The deployment of the European Border and Coast Guard Teams from the rapid reserve pool should be immediately complemented by additional European Border and Coast Guard Teams *where necessary*.

Or. en

Amendment 186

Ska Keller

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of **illegally** staying third-country nationals, including by organising return operations **on its own initiative** and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Amendment

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of **irregularly** staying third-country nationals, including by organising return operations and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Or. en

Amendment 187

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by organising return operations on its own initiative and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's

Amendment

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by organising **joint** return operations on its own initiative and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the

activities in the field of return.

Agency's activities *in support of the Member States* in the field of return *without commenting on the advisability of return decisions, which is a matter for the competent authorities or courts of the Member States.*

Or. fr

Amendment 188

Louis Michel, Gérard Deprez, Nathalie Griesbeck, Cecilia Wikström, Sophia in 't Veld, Filiz Hyusmenova, Petr Ježek, Morten Helveg Petersen

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by organising return operations on its own initiative and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Amendment

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by organising return operations on its own initiative and enhancing its role regarding the acquisition of travel documents *and, where appropriate, the issuing of European travel documents for the return journey.* For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Or. fr

Amendment 189

Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk, Kostas Chrysogonos

Proposal for a regulation Recital 20

(20) *On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by organising return operations on its own initiative and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.*

(20) *The principle of non-refoulement will be respected and mass returns, which are illegal under international law, will not take place. Migrants or asylum seekers will not be returned to countries where human rights are not respected, nor will they be returned against their own will.*

Or. en

Amendment 190

Anna Maria Corazza Bildt

Proposal for a regulation

Recital 20

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by *organising return operations on its own initiative* and enhancing its role regarding the acquisition of travel documents. For this purpose, the European Council called for the establishment of a Return Office within the European Border and Coast Guard Agency which should be

(20) On 8 October 2015, the European Council called for enlarging the mandate of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union to assist Member States in ensuring the effective return of illegally staying third-country nationals, including by *providing assistance to Member States in organising return operations* and enhancing its role regarding the acquisition of travel documents, *in respect of fundamental rights*. For this purpose, the European Council called for the establishment of a Return Office within the

tasked with the coordination of the Agency's activities in the field of return.

European Border and Coast Guard Agency which should be tasked with the coordination of the Agency's activities in the field of return.

Or. en

Amendment 191
Ska Keller

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The European Border and Coast Guard Agency should step up its assistance to Member States for returning **illegally** staying third-country nationals, subject to the Union return policy and in compliance with Directive 2008/115/EC of the European Parliament and of the Council.¹⁵ In particular, it should coordinate and organise return operations from one or more Member States and it should organise and conduct return interventions to reinforce the return system of Member States requiring increased technical and operational assistance when complying with their obligation to return **illegally** staying third-country nationals in accordance with that Directive.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals (OJ L 348, 21.12.2008, p. 98).

Amendment

(21) The European Border and Coast Guard Agency should step up its assistance to Member States for returning **irregularly** staying third-country nationals, subject to the Union return policy and in compliance with Directive 2008/115/EC of the European Parliament and of the Council.¹⁵ In particular, it should coordinate and organise return operations from one or more Member States **to third countries where there is no risks of fundamental rights violations or deficiencies in relevant civil and criminal laws and procedures**, and it should organise and conduct return interventions to reinforce the return system of Member States requiring increased technical and operational assistance when complying with their obligation to return **irregularly** staying third-country nationals in accordance with that Directive.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals (OJ L 348, 21.12.2008, p. 98).

Or. en

Amendment 192

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Caterina Chinnici, Ana Gomes, Elly Schlein

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) This Regulation should be applied in full compliance with the principle of non-refoulement as defined in the Charter and as interpreted by the case-law of the Court of Justice of the European Union and of the European Court of Human Rights. In accordance with that principle, no person should be disembarked in, forced to enter, conducted to or otherwise handed over to the authorities of a country where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

Or. en

Justification

In the context of return operations and interventions, it is imperative to reiterate the guiding principles on which any return of a third-country national may be carried out. Based on Recital 12 of Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders.

Amendment 193

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Low return rates within an EU Member State shall also constitute ineffective control of the EU's external borders to the extent that this risks putting in jeopardy the functioning of the Schengen area.

Or. en

Amendment 194

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Elly Schlein

Proposal for a regulation

Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) The possible existence of an arrangement between a Member State and a third country does not absolve the Agency or the Member States from their obligations under Union and international law, in particular as regards compliance with the principle of non-refoulement, whenever they are aware or ought to be aware that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that third country amount to substantial grounds for believing that the asylum seeker would face a serious risk of being subjected to inhuman or degrading treatment or where they are aware or ought to be aware that that third country engages in practices in contravention of the principle of non-refoulement.

Or. en

Justification

In the context of return operations and interventions, it is imperative to reiterate the guiding principles on which any return of a third-country national may be carried out. Based on Recital 13 of Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex.

Amendment 195

Barbara Matera, Anna Maria Corazza Bildt

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The European Border and Coast Guard Agency should establish pools of forced return monitors, forced return experts and return specialists made available by Member States, who should be deployed during return operations and that should form part of tailor-made European Return Intervention Teams deployed in return interventions. The European Border and Coast Guard Agency should provide them with the necessary training.

Amendment

(22) The European Border and Coast Guard Agency should establish pools of forced return monitors, forced return experts and return specialists made available by Member States, who should be deployed during return operations and that should form part of tailor-made European Return Intervention Teams deployed in return interventions. The European Border and Coast Guard Agency should provide them with the necessary training. *Specific training for Officials dealing with minors should be provided as well.*

Or. en

Amendment 196

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) National border control authorities are not sufficiently equipped and trained to deal with the public order operations that are often necessary when a large number of migrants crosses borders.

Amendment 197

Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards **and** additional training and seminars related to control at external borders and return of third-country nationals ***illegally staying*** on the territory of Member States for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Amendment

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards, additional training and seminars related to control at external borders and return of third-country nationals ***staying irregularly*** on the territory of Member States for officers of the competent national bodies, ***as well as training related to the identification of and assistance to persons in a vulnerable situation***. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Or. en

Amendment 198

Ska Keller

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to control at external borders and return of third-country nationals ***illegally*** staying on the territory

Amendment

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to control at external borders and return of third-country nationals ***irregularly*** staying on the

of Member States for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

territory of Member States for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Or. en

Amendment 199

Anna Maria Corazza Bildt, Caterina Chinnici, Carlos Coelho, Therese Comodini Cachia, Barbara Matera, Tomáš Zdechovský, Timothy Kirkhope, Silvia Costa, Nathalie Griesbeck, Jean Lambert

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to control at external borders and return of third-country nationals illegally staying on the territory of Member States for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Amendment

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to control at external borders and return of third-country nationals illegally staying on the territory of Member States for officers of the competent national bodies. ***While developing training tools and providing trainings, special attention should be given to training on children's rights.*** The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Or. en

Amendment 200

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to ***control at external borders and return of third-country nationals illegally staying on the territory of Member States*** for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Amendment

(23) The European Border and Coast Guard Agency should develop specific training tools and it should provide training at Union level for national instructors of border guards and additional training and seminars related to ***integrated border management tasks, including*** for officers of the competent national bodies. The Agency should be authorised to organise training activities in cooperation with Member States and third countries on their territory.

Or. en

Amendment 201

Michal Boni

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The European Border and Coast Guard Agency should monitor and contribute to the developments in research relevant for the control of the external borders, including the use of advanced surveillance technology, and it should disseminate this information to the Member States and to the Commission.

Amendment

(24) The European Border and Coast Guard Agency should monitor, ***promote*** and contribute to the developments in research relevant for the control of the external borders, including the use of advanced surveillance technology, and it should disseminate this information to the Member States and to the Commission.

Or. en

Amendment 202

Ska Keller

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The European Border and Coast Guard Agency should monitor and contribute to the developments in research relevant for the control of the external borders, including the use of advanced surveillance technology, and it should disseminate this information to the Member States and to the Commission.

Amendment

(24) The European Border and Coast Guard Agency should monitor and contribute to the developments in research relevant for the control of the external borders, including the use of advanced surveillance technology, and it should disseminate this information to the ***European Parliament, the*** Member States and to the Commission.

Or. en

Amendment 203

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular ***immigration*** and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Amendment

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular ***migration*** and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Or. en

Amendment 204

Anna Maria Corazza Bildt

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Amendment

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems, ***including with neighbouring third countries, mutual recognition and interoperability*** in accordance with Union data protection legislation.

Or. en

Amendment 205
Michał Boni

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Amendment

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation. ***Member States should provide the Agency with adequate information and data.***

Or. en

Amendment 206
Ana Gomes

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular ***immigration*** and return. The European Border and Coast Guard Agency ***should*** develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Amendment

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information ***and intelligence*** among the Member States regarding the management of the external borders, irregular ***migration*** and return. The European Border and Coast Guard Agency ***must*** develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Or. en

Amendment 207
Rachida Dati, Brice Hortefeux

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Amendment

(25) Effective implementation of an integrated management of the external borders necessitates regular, swift and reliable exchange of information among the Member States regarding the management of the external borders, ***the entry of monitored individuals into EU territory***, irregular immigration and return. The European Border and Coast Guard Agency should develop and operate information systems facilitating such exchange in accordance with Union data protection legislation.

Or. fr

Amendment 208

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) National authorities carrying out coast guard functions are responsible for a wide range of tasks, including but not limited to maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The European Border and Coast Guard Agency, the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 ¹⁶ and the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council ¹⁷ should therefore strengthen their cooperation both with each other and with the national authorities carrying out coast guard functions to increase maritime situational awareness as well as to support coherent and cost-efficient action.

¹⁶ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p.1).

¹⁷ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208,

Amendment

(27) National authorities carrying out coast guard functions are responsible for a wide range of tasks, including but not limited to maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The European Border and Coast Guard Agency, the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005 ¹⁶ and the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council ¹⁷ should therefore strengthen their cooperation both with each other and with the national authorities carrying out coast guard functions to increase maritime situational awareness as well as to support coherent and cost-efficient action; ***synergies between the various actors in the maritime environment should be in line with the EU's integrated border management and maritime security strategy.***

¹⁶ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p.1).

¹⁷ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208,

Amendment 209
Miriam Dalli

Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The implementation of this Regulation does not affect the division of competence between the Union and the Member States under the Treaty of the EU or the obligations of Member States under international conventions such as the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the International Convention for the Prevention of Pollution from Ships, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and other relevant maritime international instruments.

Justification

It is important to properly diversify between national competences and EU competences. It is equally important to emphasise that International Law continues to apply. This is underlined particularly in reference to Search and Rescue which is a competence of Member States in the framework of International Law.

Amendment 210
Alain Cadec, Brice Hortefeux, Renaud Muselier, Rachida Dati

Proposal for a regulation
Recital 27 a (new)

(27a) Cooperation on coast guard functions, notably by means of enhanced collaboration between national authorities and the three EU agencies (the European Border and Coast Guard Agency, the European Fisheries Control Agency and the European Maritime Safety Agency), should in no way affect the division of powers between these agencies as regards the definition of their missions and should not impinge on their autonomy and independence in respect of their initial assignments. This cooperation also enables the creation of synergies between them, without changing their mission statements.

Or. fr

Justification

European cooperation on coast guard functions does not seek to reduce the powers of the EMSA or the EFCA. The aim of cooperation is to strengthen the agencies' primary missions while establishing synergies, in such a way as to improve knowledge of the maritime situation and the EU's offshore response capability.

Amendment 211

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer

Proposal for a regulation

Recital 28

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, ***including by coordinating operational cooperation between Member States and third countries in the field of management of external borders*** and by

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries. In their cooperation with third

deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries *on return, including as regards the acquisition of travel documents*. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards *at least equivalent to those set by Union legislation also* when the cooperation with third countries takes place on the territory of those countries.

countries, the European Border and Coast Guard Agency and Member States should comply with *Union law, including* norms and standards *which form part of the Union acquis*, when the cooperation with third countries takes place on the territory of those countries.

Or. en

Amendment 212

Ska Keller

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Amendment

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries. *In order to guarantee the compliance with norms and standards equivalent to those set by Union legislation such operational cooperation*

on the territory of a third country should be limited to neighbouring third countries which share a common land border with one or more Member States and which have ratified and implement in full the European Convention on Human Rights and the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto.

Or. en

Amendment 213

Marina Albiol Guzmán, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The ***European Border and Coast Guard Agency should facilitate and encourage operational*** cooperation between Member States and third countries ***in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their*** cooperation with third countries, ***the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.***

Amendment

(28) The cooperation between Member States and third countries ***concerning migration and asylum will be based only on providing legal and safe routes to access the European Union, and in no way will there be military or police*** cooperation with third countries ***to try to reduce the number of persons reaching the EU.***

Or. en

Amendment 214

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Amendment

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents ***and the promotion of the European travel document for the return of third-country nationals who are illegally staying in the European Union.*** In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Or. it

Amendment 215

Michal Boni

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between

Amendment

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between

Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

The Agency should facilitate and encourage technical cooperation, training and exchange of experiences among Member States and third countries.

Or. en

Amendment 216
Salvatore Domenico Pogliese

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of

Amendment

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of

travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries. ***The Agency should draw up an annual report in which it assesses the quality and effectiveness of cooperation between Member States and third countries in relation to returns and to the monitoring of shared borders.***

Or. it

Amendment 217

Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation ***also*** when the cooperation with third countries takes place on the territory of those countries.

Amendment

(28) The European Border and Coast Guard Agency should facilitate and encourage operational cooperation between Member States and third countries in the framework of the external relations policy of the Union, including by coordinating operational cooperation between Member States and third countries in the field of management of external borders and by deploying liaison officers to third countries, as well as by cooperating with the authorities of third countries on return, including as regards the acquisition of travel documents. In their cooperation with third countries, the European Border and Coast Guard Agency and Member States should comply with norms and standards at least equivalent to those set by Union legislation, ***in particular regarding protection of fundamental rights, including*** when the cooperation with third countries takes place on the territory of those countries. ***The Agency's relations with third countries must meet the***

requirements of transparency, democratic oversight and accountability.

Or. en

Amendment 218

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) All port and maritime authorities of the Member States and on the European Maritime Safety Authority (EMSA), and in particular on the captains of vessels sailing in the Mediterranean, should be vigilant in relation to any vessels carrying migrants and refugees who may be in danger, applying the guidelines issued by the International Maritime Organisation and the UN Refugee Agency (UNHCR) on the treatment of people rescued at sea.

Or. en

Justification

As approved by TRAN Committee in the opinion on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI) - A8-0066/2016

Amendment 219

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) This Regulation respects the

SOLAS convention¹ and the SAR² convention, according to which every state party to those conventions must require the master of a ship flying its flag, in so far as he/ she can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost, regardless of the nationality or status of such a person or the circumstances in which that person is found, to provide for their initial medical or other needs, to deliver them to a place of safety and to participate actively in search and rescue operations at sea.

¹ International Convention for the Safety of Life at Sea of 1974, Regulation 33 ('Distress Situations: Obligations and procedures').

² International Convention on Maritime Search and Rescue of 1979, as amended.

Or. en

Justification

As approved by TRAN Committee in the opinion on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI) - A8-0066/2016

Amendment 220

Lucy Anderson, Claude Moraes, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Recital 28 c (new)

Text proposed by the Commission

Amendment

(28c) At particular areas of external borders, such as air space borders and the ongoing process of the establishment of Functional Airspace Blocks (FABs) at EU level, a key mechanism of the Single European Sky (SES) policy, special provision should be made for the staff

involved in return-related activity, detailing their tasks, powers and responsibilities. Special instructions should be also set to the powers of the pilots in command and the extension of criminal law by the country of registration of the aircraft under international aviation law¹.

¹ *Art. 3 of the Tokyo convention of 1963 - registered by the International Civil Aviation Organisation in 1969 ('the State of registration of the aircraft is competent to exercise jurisdiction over acts and offenses committed on board')*

Or. en

Amendment 221
Ska Keller

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) *This Regulation respects the* fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, ***this Regulation seeks to*** ensure full respect for human dignity, the right to life, the right to liberty and security, the right to the protection of personal data, the right to access to asylum, the right to effective remedy, the rights of the child, the prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, and to promote the application of the principles of non-discrimination and non-refoulement.

Amendment

(29) ***The European Border and Coast Guard Agency should further develop and implement a Fundamental Rights Strategy to monitor and ensure the protection of*** fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, ***it should*** ensure full respect for human dignity, the right to life, the right to liberty and security, the right to the protection of personal data, the right to access to asylum, the right to effective remedy, the rights of the child, the prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, and to promote the application of the principles of non-discrimination and non-refoulement. ***The Border and Coast Guard***

Agency should withdraw the financing of an activity or suspend or terminate an activity in case of violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist. The Executive Director of the Agency should adopt criteria for such instances, based on recommendations by the Fundamental Rights Officer and after consultation with the Consultative Forum and other relevant actors.

Or. en

Amendment 222

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) This Regulation respects the fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for human dignity, the right to life, the right to liberty and security, the right to the protection of personal data, the right to access to asylum, the right to effective remedy, the rights of the child, the prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, and to promote the application of the principles of non-discrimination and non-refoulement.

Amendment

(29) This Regulation respects the fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for human dignity, the right to life, the right to liberty and security, the right to the protection of personal data, the right to access to asylum, the right to effective remedy, the rights of the child, the prohibition of torture and of inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, and to promote the application of the principles of non-discrimination and non-refoulement. ***Therefore, the mentioned principles should be at the core of any decision and action taken by the Agency and/or its staff, including when planning and implementing operations.***

Or. en

Amendment 223

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) This Regulation establishes *a* complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an *administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer* should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning border guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

Amendment

(30) This Regulation establishes *an independent* complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency *and its staff*. This should be a *full, independent, effective and accessible individual mechanism whereby the Agency's Fundamental Rights Officer participates. The Independent Complaint Mechanism* should review the admissibility of a complaint, register *and deal accordingly with all* admissible complaints, forward all registered complaints to the *Agency's* Executive Director, forward complaints concerning border *and coast* guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

Or. en

Amendment 224

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in

Amendment

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in

cooperation with the Fundamental Rights **Officer**, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights **Officer** should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning border guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

cooperation with the Fundamental Rights **Office**, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights **Office** should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning border guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

Or. en

Amendment 225

Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer should review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning

Amendment

(30) This Regulation establishes a complaint mechanism for the European Border and Coast Guard Agency, in cooperation with the Fundamental Rights Officer, to monitor and ensure the respect for fundamental rights in all the activities of the Agency, ***including within the framework of the working arrangements concluded with the competent authorities of third countries***. This should be an administrative mechanism whereby the Fundamental Rights Officer should be responsible for handling complaints received by the Agency in accordance with the right to good administration. The Fundamental Rights Officer should review the admissibility of a complaint, register

border guards to the home Member State and register the follow-up by the Agency or that Member State. Criminal investigations should be conducted by the Member States.

admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning border guards to the home Member State and register the follow-up by the Agency or that Member State. ***This mechanism should lead to genuine sanctions in cases of violations of fundamental rights.*** Criminal investigations should be conducted by the Member States.

Or. en

Amendment 226

Artis Pabriks, Monika Hohlmeier, Jeroen Lenaers, Kinga Gál

Proposal for a regulation

Recital 31

Text proposed by the Commission

Amendment

(31) In order to ensure the uniform conditions for the implementation of this Regulation, in particular as regards situations requiring urgent action at the external borders, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹⁸

deleted

¹⁸ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 227
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) In order to ensure the uniform conditions for the implementation of this Regulation, in particular as regards situations requiring urgent action at the external borders, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹⁸

deleted

¹⁸ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. fr

Amendment 228
Ska Keller

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) In order to ensure the uniform conditions for the implementation of this Regulation, *in particular as regards situations requiring urgent action at the external borders*, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No

(31) In order to ensure the uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) *No 182/2011* of the European Parliament and of the Council.¹⁸

182/2011 of the European Parliament and of the Council.¹⁸

¹⁸ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

¹⁸ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 229

Ska Keller

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ²¹ should apply to the European Border and Coast Guard Agency.

²¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Amendment

(36) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ²¹ should apply to the European Border and Coast Guard Agency. ***The Agency should be as transparent as possible about its activities, without jeopardising the attainment of the objective of operations. It should make public all relevant information on all of its activities, and ensure that the public and any interested party are rapidly given information with regard to its work.***

²¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Or. en

Amendment 230

Emil Radev, Mariya Gabriel, Andrej Plenković, Traian Ungureanu, Csaba Sógor

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, ***thus also ensuring the proper functioning of the Schengen area***, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the significant migratory pressures at the external borders and the need to safeguard a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the significant migratory pressures at the external borders and the need to safeguard a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 231

Ska Keller

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, thus

Amendment

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, thus

also ensuring the proper functioning of the Schengen area, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the *significant migratory pressures at the external borders and the need to safeguard* a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

also ensuring the proper functioning of the Schengen area, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the *need to control the borders effectively and thereby contribute to* a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 232

Filiz Hyusmenova

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, thus also ensuring the proper functioning of the Schengen area, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the significant migratory pressures at the external borders and the need to safeguard a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance

Amendment

(39) Since the objectives of this Regulation, namely the development and implementation of a system of integrated management of the external borders, thus also ensuring the proper functioning of the Schengen area *and high level of internal security in the entire European Union*, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner but can rather, because of the absence of controls at internal borders and in view of the significant migratory pressures at the external borders and the need to safeguard a high level of internal security within the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in

with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 233

Emil Radev, Mariya Gabriel, Andrej Plenković, Traian Ungureanu, Csaba Sógor

Proposal for a regulation

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) As regards Bulgaria, Romania and Croatia, this Regulation constitutes a development of the Schengen acquis in which these Member States take part in accordance with their Accession Treaties. Bulgaria, Romania and Croatia therefore take part in the adoption of this Regulation and are bound by it and subject to its application.

Or. en

Amendment 234

Filiz Hyusmenova, Nathalie Griesbeck, Sophia in 't Veld, Cecilia Wikström, Louis Michel

Proposal for a regulation

Recital 49 a (new)

Text proposed by the Commission

Amendment

(49a) As regards the Member States which are party to the Schengen Agreements but not yet part of the Schengen Area without internal controls, this Regulation constitutes a development of the provisions of the Schengen acquis and is hence fully applicable.

Amendment 235

Marina Albiol Guzmán, Marie-Christine Vergiat, Malin Björk

Proposal for a regulation

Article 1

Text proposed by the Commission

Amendment

Article 1

deleted

Subject matter

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment 236

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons ***therein***.

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the ***EU*** external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons ***as well as the fundamental rights of migrants and refugees***.

Amendment 237
Geoffrey Van Orden

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up *to ensure a* European *integrated* border management at the external borders with a view to *managing migration effectively* and ensuring a high level of internal security *within the Union*, while safeguarding the free movement of persons therein.

Amendment

In order to assist in dealing with the present emergency, a European Border and Coast Guard is hereby set up *on a temporary basis to improve* European border management at the external borders with a view to *helping deal with the problems of irregular migration* and ensuring a high level of internal security *across the Member States*, while safeguarding *as far as possible* the free movement of persons therein.

Or. en

Amendment 238
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to *guaranteeing the proper functioning of the Schengen area*, managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Or. fr

Amendment 239
Emil Radev, Mariya Gabriel, Andrej Plenković

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders ***of the Member States of the European Union*** with a view to managing migration effectively and ensuring a high level of internal security within the ***entire*** Union, while safeguarding the free movement of persons therein.

Or. en

Amendment 240
Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively ***and ensuring a high level of internal security within the Union,*** while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively, ***to protecting and saving the lives of migrants and refugees and to combating cross-border crime, in full compliance with the principle of non-refoulement and fundamental rights,*** while safeguarding the free movement of persons therein.

Or. en

Amendment 241
Ska Keller

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to **managing migration** effectively and **ensuring** a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to **controlling the borders** effectively and **thereby contributing to** a high level of internal security within the Union, **and to ensure the protection and saving the lives of migrants and refugees in full compliance with the principle of non-refoulement and fundamental rights**, while safeguarding the free movement of persons therein.

Or. en

Justification

The core task of the Agency should be controlling external borders, including for instance the smuggling of weapons, rather than managing migration or internal security. By controlling the borders the Agency can contribute to internal security, but the latter should not become its primary objective. The wording on protection and saving of lives is identical with the formulation in the Eurosur Regulation and the Maritime Surveillance Regulation.

Amendment 242

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons **and goods** therein **and helping to ensure and enable good transport**,

Amendment 243

Helga Stevens, Monica Macovei, Angel Dzhambazki, Timothy Kirkhope, Jussi Halla-aho

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to ***reducing pressure at the EU's external border,*** managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment 244

Gilles Lebreton, Marine Le Pen, Janice Atkinson

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing ***migration*** effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders with a view to managing ***the increasingly intense migratory pressures at the EU's external borders*** effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.

Amendment 245

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders *with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein.*

Amendment

A European Border and Coast Guard is hereby set up to ensure a European integrated border management at the external borders, *to safeguard free movement and the fundamental rights of persons in the area of freedom, security and justice without internal borders by effectively managing migration and thereby ensuring a high level of internal security.*

Or. en

Amendment 246

Emil Radev, Mariya Gabriel, Andrej Plenković

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community

Amendment

(1) ‘external borders’ means the land and sea borders of the Member States *of the European Union* and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community

Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 247

Iliana Iotova, Tonino Picula, Emilian Pavel, Miriam Dalli

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Amendment

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply, ***including those Member States to which provisions of the Schengen acquis on lifting internal borders are yet to apply;***

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 248

Jaromír Štětina

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the

Amendment

(1) ‘external borders’ means the land and sea borders of the Member States and their airports and seaports, to which the

provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply;

provisions of Title II of Regulation (EC) No 562/2006 of the European Parliament and of the Council ³⁸ apply; ***and land and sea borders of Member States with third countries to which the provisions do not yet apply.***

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

³⁸ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

Or. en

Amendment 249

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Amendment

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant staff from participating Member States, including ***navy officials and other*** national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 250

Barbara Spinelli, Kostas Chrysogonos

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

Text proposed by the Commission

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Amendment

(3) ‘European Border and Coast Guard Teams’ mean teams of border guards and other relevant ***non-military*** staff from participating Member States, including national experts that are seconded by Member States to the Agency, to be deployed during joint operations, rapid border interventions as well as in the framework of migration management support teams;

Or. en

Amendment 251
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘home Member State’ means the Member State of which a member of the European Border and Coast Guard Teams is a border guard or other relevant staff member;

Amendment

(5) ‘home Member State’ means the Member State of which a member of the European Border and Coast Guard Teams is a border guard or other ***non-military*** relevant staff member;

Or. en

Amendment 252
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of border guard services or other relevant

Amendment

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of border guard services or other ***non-***

staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

military relevant staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

Or. en

Amendment 253

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of border guard services or other relevant staff of Member States other than the host Member State, including national experts and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

Amendment

(7) ‘members of the European Border and Coast Guard Teams’ mean the officers of border guard services or other relevant staff of Member States other than the host Member State, including national experts, **navy officials** and border guards from Member States seconded to the Agency, who are participating in joint operations or rapid border interventions;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 254

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘returnee’ means an **illegally** staying third-country national subject **to a** return decision;

Amendment

(12) ‘returnee’ means an **irregularly** staying third-country national **who is the** subject **of a final** return decision **issued by**

a Member State;

Or. en

Justification

We prefer the term ‘irregularly’ staying third-country national as people should not be criminalised for crossing a border. Returnee should always be subject to final return decision. These changes have been made consequentially throughout the text.

Amendment 255

Ska Keller

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘returnee’ means an *illegally* staying third-country national subject to a return decision;

Amendment

(12) ‘returnee’ means an *irregularly* staying third-country national subject to a return decision;

Or. en

Amendment 256

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘return operation’ means an operation to return *illegally staying third-country nationals*, that is coordinated by the Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either through forced return or in voluntary compliance with an obligation to return;

Amendment

(13) ‘return operation’ means an operation to return *third-country nationals who are the subject of a final return decision*, that is coordinated by the Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either through forced return or in voluntary compliance with an obligation to return;

Amendment 257

Ska Keller

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘return operation’ means an operation to return ***illegally*** staying third-country nationals, that is coordinated by the Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either through forced return or in voluntary compliance with an obligation to return;

Amendment

(13) ‘return operation’ means an operation to return ***irregularly*** staying third-country nationals, that is coordinated by the Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either through forced return or in voluntary compliance with an obligation to return;

Or. en

Amendment 258

Ska Keller

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘return intervention’ means an operation to return ***illegally*** staying third-country nationals providing for enhanced technical and operational assistance consisting of the deployment of European Return Intervention Teams to Member States and the organisation of return operations.

Amendment

(14) ‘return intervention’ means an operation to return ***irregularly*** staying third-country nationals providing for enhanced technical and operational assistance consisting of the deployment of European Return Intervention Teams to Member States and the organisation of return operations.

Or. en

Amendment 259

Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘return intervention’ means an operation to return ***illegally staying third-country nationals*** providing for enhanced technical and operational assistance consisting of the deployment of European Return Intervention Teams to Member States and the organisation of return operations.

Amendment

(14) ‘return intervention’ means an operation to return ***third-country nationals who are the subject of a final return decision*** providing for enhanced technical and operational assistance consisting of the deployment of European Return Intervention Teams to Member States and the organisation of return operations.

Or. en

Amendment 260

Malin Björk, Marie-Christine Vergiat, Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(14a) ‘a child’ means every human being below the age of 18 years, in line with article 1 of the Convention on the Rights of the Child.

Or. en

Amendment 261

Artis Pabriks, Monika Hohlmeier, Jeroen Lenaers, Kinga Gál

Proposal for a regulation

Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(14a) ‘third parties’ shall be the legal entities recognised as such by the Member

Amendment 262

Alain Cadec, Brice Hortefeux, Renaud Muselier, Rachida Dati

Proposal for a regulation

Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(14a) ‘Coast guard functions’: all fact-finding, monitoring, planning and organisation missions and operations entrusted to a local, regional, national or European authority with the necessary powers to perform maritime surveillance; these missions entail, in particular, safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection.

Justification

Coast guard functions are not confined to monitoring the EU's borders in the context of migration; they may also involve supporting national authorities by providing services, information, equipment and training and by coordinating operations in various fields, such as fisheries control and the prevention of marine pollution, piracy and trafficking of all kinds. This definition serves to clarify the scope of cooperation between authorities performing the coast guard functions provided for in Article 52.

Amendment 263

Barbara Spinelli

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Border ***and Coast***

1. The European Border Agency and

Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute the European Border and Coast Guard.

the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall constitute the European Border and Coast Guard.

Or. en

Amendment 264
Ska Keller

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out **border control tasks**, shall constitute the European Border and Coast Guard.

Amendment

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards, to the extent that they carry out **tasks referred to in Article 4**, shall constitute the European Border and Coast Guard.

Or. en

Amendment 265
Geoffrey Van Orden

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall **constitute the** European Border and Coast Guard.

Amendment

1. The European Border and Coast Guard Agency and the national authorities of Member States which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall **undertake common** European Border and Coast Guard **missions, respecting national sovereignty over border management**

while also enhancing wider European security.

Or. en

Amendment 266

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States. *deleted*

Or. fr

Justification

This paragraph has been deleted so that it can be inserted into a new article: Article 3a: European integrated border management strategy

Amendment 267

Elissavet Vozemberg-Vrionidi

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and *ensure* the implementation of European integrated border management in all Member States.

2. The European Border and Coast Guard Agency, *by decision of the Management Board*, shall establish, an operational and technical strategy for the European integrated border management, *taking into account, where justified, the specific situation of the Member States, in particular their geographical location and*

possible defence implications. This strategy shall be in line with Article 4 of this Regulation. It shall promote and *support* the implementation of European integrated border management in all Member States.

Or. en

Amendment 268
Geoffrey Van Orden

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and **Coast Guard** Agency shall *establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.*

Amendment

2. The European Border and **Coastguard** Agency shall *be established for a 3-year period and propose an annual operational and technical strategy, with clear objectives and measurable targets for improved border security and management.*

Or. en

Amendment 269
Miltiadis Kyrkos, Cécile Kashetu Kyenge, Sylvie Guillaume

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management *taking into account, where justified, the specific situation of the Member States, in particular their geographical location.* It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment 270

Lucy Anderson, Claude Moraes, Marju Lauristin, Merja Kyllönen, Ismail Ertug, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi

**Proposal for a regulation
Article 3 – paragraph 2**

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States, ***taking into account the need to ensure consistency between Union policies and activities in line with Article 7 of the Treaty on the Functioning of the European Union.***

Or. en

Amendment 271

Barbara Spinelli, Kostas Chrysogonos

**Proposal for a regulation
Article 3 – paragraph 2**

Text proposed by the Commission

2. The European Border ***and Coast Guard Agency*** shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border ***Agency, by decision of the Management Board*** shall establish an ***annual*** operational and technical strategy for the European integrated border management ***in full compliance with fundamental rights, taking into account, where justified, the specific situation of the Member States, in particular their geographical location. This strategy shall be in line with Article 4 of this Regulation.*** It shall promote and

ensure the implementation of European integrated border management in all Member States.

Or. en

Amendment 272

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border and Coast Guard Agency shall establish, *if its Management Board so decides*, an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Or. fr

Amendment 273

Ignazio Corrao, Laura Ferrara, Laura Agea

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Amendment

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in *compliance with fundamental rights in* all Member States.

Or. en

Amendment 274
Miriam Dalli

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and **ensure** the implementation of European integrated border management in all Member States.

Amendment

2. The European Border and Coast Guard Agency **by decision of the Management Board** shall establish an operational and technical strategy for the European integrated border management, **taking into account, where justified, the specific situation of the Member States, in particular their geographical location. This strategy shall be in line with Article 4 of this Regulation.** It shall promote and **support** the implementation of European integrated border management in all Member States.

Or. en

Justification

The Management Board should establish the strategy of the European Border and Coast Guard Agency. In devising such a strategy it is important to take into account the situation of the Member States, since then they need to establish national strategies which are in line with the European strategy.

Amendment 275

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Filiz Hyusmenova, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The European Border and Coast Guard Agency shall ensure a constant and uniform application of EU law, including the EU acquis in fundamental rights, across all EU external borders.

Amendment 276

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. The national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall establish their national strategies for integrated border management. Those national strategies shall be coherent with the *strategy* referred to in *paragraph 2*.

Amendment

3. The national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall establish their national strategies for integrated border management. Those national strategies shall be coherent with the *strategies* referred to in *Article 3a*.

Or. fr

Justification

The strategies referred to in Article 3a are the European integrated border management strategy and the operational and technical strategy drawn up by the Agency.

Amendment 277

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

European integrated border management strategies

1. The Commission shall establish, with reference to the European Border and Coast Guard Agency recommendations, a European integrated border management strategy. The strategy shall set out general guidelines, the objectives to be met and the key actions to be taken in order to

establish a fully functioning European integrated border management system. The European integrated border management strategy shall be revised whenever circumstances warrant and at least once every four years, and shall be submitted to the European Parliament and the Council for approval.

2. The European Border and Coast Guard Agency shall establish an operational and technical strategy for the European integrated border management. It shall promote and ensure the implementation of European integrated border management in all Member States.

Or. fr

Justification

Le présent Règlement n'a pas que pour objectif la création d'une agence européenne de garde-frontière et de garde-côtes mais a également pour objectif le développement et la mise en oeuvre d'un système de gestion intégrée des frontières extérieures. Ce nouveau concept est défini à l'article 4 du présent Règlement. Le dispositif actuel prévoit que l'Agence est chargée d'élaborer la stratégie technique et opérationnelle pour la gestion intégrée des frontières extérieures mais rien n'est prévu dans le dispositif concernant l'élaboration d'une stratégie politique globale. Or, l'intégration européenne de la gestion des frontières nécessite l'élaboration d'orientations et de priorités communes et d'objectifs communs.

Amendment 278

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

European integrated border management

European integrated **external** border management

Or. fr

Amendment 279

Ska Keller

Proposal for a regulation

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) *the rescue of persons in distress at sea;*

Or. en

Amendment 280

Monika Hohlmeier

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime ***and terrorism***, where appropriate;

Or. en

Amendment 281

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

a) border control, including measures related to the prevention, detection and investigation of ***irregular external border crossings and the prevention and detection of*** cross-border crime, where appropriate;

Or. fr

Amendment 282

Barbara Spinelli, Kostas Chrysogonos, Malin Björk

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, including measures related to the prevention, ***detection and investigation*** of cross-border crime, where appropriate;

Amendment

(a) border control, including measures ***to facilitate legitimate border crossings and to ensure access for persons in need of international protection and measures*** related to the prevention ***and detection*** of cross-border crime, where appropriate, ***in full respect of human dignity***.

Or. en

Amendment 283

Rachida Dati

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

Amendment

a) border control, including measures related to the prevention, detection and investigation of cross-border crime ***and the fight against terrorism***, where appropriate;

Or. fr

Amendment 284

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, including measures related to the prevention, ***detection and investigation*** of cross-border crime, where appropriate;

Amendment

(a) border control, including measures related to the prevention ***and detection*** of cross-border crime, where appropriate;

Amendment 285

Péter Niedermüller, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Caterina Chinnici, Miltiadis Kyrkos

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, ***including*** measures related to the prevention, detection ***and investigation of cross-border crime***, where appropriate;

Amendment

(a) border control, ***which may include*** measures related to the prevention ***and detection of the criminal smuggling of persons, trafficking in human beings and terrorism***, where appropriate;

Or. en

Justification

Insofar as the Agency will be involved in preventing crime, its remit should be properly delimited to avoid uncertainty regarding its role and the role of Europol. The three forms of criminal activity included are those specifically referenced in the Commission proposal. The Agency should not be responsible for the investigation of criminal activity - that is a matter for Europol or Eurojust.

Amendment 286

Ska Keller

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, including measures related to the prevention, ***detection and investigation*** of cross-border crime, where appropriate;

Amendment

(a) border control, including measures ***to facilitate legitimate border crossings***, related to the prevention ***and detection*** of cross-border crime, where appropriate, ***in full respect of human dignity***;

Or. en

Amendment 287

Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, ***including*** measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

Amendment

(a) border control, ***which may include*** measures related to the prevention, detection and investigation of cross-border crime, where appropriate ***and in articulation with Europol***;

Or. en

Amendment 288

Helga Stevens, Geoffrey Van Orden, Angel Dzhambazki, Jussi Halla-aho

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime, where appropriate;

Amendment

(a) border control, including measures related to the prevention, detection and investigation of cross-border crime ***and irregular immigration***, where appropriate;

Or. en

Amendment 289

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ***border management that acknowledges the different needs of mixed migration flows at the external borders***;

Amendment 290

Ska Keller

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) establishment and maintenance of clear mechanisms and procedures, in cooperation with relevant authorities, for the identification of, provision of information to and referral of persons who may be in need of international protection;

Or. en

Amendment 291

Péter Niedermüller, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Caterina Chinnici, Kati Piri, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Birgit Sippel, Elly Schlein

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Search and Rescue Operations for persons in distress at sea;

Or. en

Justification

It is clear that SAR Operations form an integral part of border management for those Member States with sea borders. They should therefore form of part of European Integrated Border Management.

Amendment 292

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) *the rescue of persons in distress at sea;*

Or. en

Amendment 293

Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Petr Ježek, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) *search and rescue of persons in distress at sea;*

Or. en

Justification

Following the recent events in the Mediterranean and the dramatic loss of lives, it is clear that the new FRONTEX / EBCG must also focus on search and rescue at sea. It has to be clearly specified in specific paragraphs and recitals.

Amendment 294

Péter Niedermüller, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Elly Schlein, Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) *The identification, provision of initial information to and onward referral of persons arriving at the external borders who are in need of, or wish to apply for,*

international protection;

Or. en

Justification

The identification, provision of initial information and onward referral of persons arriving at the external borders who are in need of, or wish to apply for, international protection, is a key competent of border management.

Amendment 295

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) analysis of the risks for internal security and ***analysis of the threats*** that may affect the functioning or security of the external borders;

Amendment

(b) analysis of the risks for internal security and ***external challenges*** that may affect the functioning or security of the external borders;

Or. en

Amendment 296

Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Establishment and maintenance of clear mechanisms and procedures, in cooperation with relevant authorities, for the identification of, provision of information to and referral of persons who may be in need of international protection;

Or. en

Amendment 297
Monika Hohlmeier

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

Text proposed by the Commission

(c) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border **and among** the relevant Union institutions, agencies, bodies and offices; including the regular exchange of information through existing information exchange tools, and in particular, the European Border Surveillance System ('Eurosur') established by Regulation (EU) No 1052/2013 of the European Parliament and of the Council;³⁹

³⁹ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) (OJ L 295, 6.11.2013, p. 11).

Amendment

(c) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border, **including customs and coastguard authorities, and** the relevant Union institutions, agencies, bodies and offices, **where appropriate coordinated by the Agency**; including the regular exchange of information through existing information exchange tools, and in particular, the European Border Surveillance System ('Eurosur') established by Regulation (EU) No 1052/2013 of the European Parliament and of the Council;³⁹

³⁹ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) (OJ L 295, 6.11.2013, p. 11).

Or. en

Amendment 298
Ignazio Corrao, Laura Ferrara, Laura Agea

Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the search and rescue of persons in distress at sea;

Or. en

Amendment 299

Marina Albiol Guzmán, Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration;* *deleted*

Or. en

Amendment 300

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular *immigration*;

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular *migration*;

Or. en

Amendment 301

Ska Keller

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries ***and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration;***

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries;

Or. en

Amendment 302

Geoffrey Van Orden

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration;

Amendment

(d) cooperation with third countries in the areas of covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and transit for irregular immigration; ***in cooperation with Member States, the EEAS and the European Commission;***

Or. en

Amendment 303

Ignazio Corrao, Laura Ferrara, Laura Agea

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) technical and operational measures within the area of free movement which are related to border control and designed to prevent irregular immigration and to

Amendment

(e) technical and operational measures within the area of free movement which are related to border control and designed to prevent irregular immigration and to

counter cross-border crime;

counter cross-border crime *in accordance with Article 21 of the Schengen Borders Code*;

Or. en

Amendment 304

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

e) technical and operational measures within the area *of free movement* which are related to border control and designed to prevent irregular immigration and to counter cross-border crime;

Amendment

e) technical and operational measures within the *Schengen* area which are related to border control and designed to prevent irregular immigration and to counter cross-border crime;

Or. fr

Amendment 305

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) technical and operational measures within the area of free movement which are related to border control and designed to *prevent irregular immigration and to counter cross-border crime*;

Amendment

(e) technical and operational measures within the area of free movement which are related to border control and designed to *better manage irregular migration*;

Or. en

Amendment 306

Ska Keller

Proposal for a regulation
Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) technical and operational measures within the area of free movement which are related to border control and designed to prevent irregular immigration and to counter cross-border crime;

Amendment

(e) technical and operational measures within the area of free movement which are related to border control and designed to prevent irregular immigration and to counter cross-border crime ***in accordance with the Schengen Borders Code***;

Or. en

Amendment 307

Marina Albiol Guzmán, Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli, Malin Björk

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) ***return of third-country nationals illegally staying on the territory of the Member States***;

Amendment

deleted

Or. en

Amendment 308
Ska Keller

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) return of third-country nationals ***illegally*** staying on the territory of the Member States;

Amendment

(f) return of third-country nationals ***irregularly*** staying on the territory of the Member States;

Or. en

Amendment 309

Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Ana Gomes, Elly Schlein

Proposal for a regulation

Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) return of third-country nationals
illegally staying on the territory of the
Member States;

Amendment

(f) return of third-country nationals
who are the subject of a final return
decision issued by a Member State;

Or. en

Amendment 310

Monika Hohlmeier, Anna Maria Corazza Bildt

Proposal for a regulation

Article 4 – paragraph 1 – point g

Text proposed by the Commission

(g) use of state-of-the-art technology
including large-scale information systems;

Amendment

(g) use of state-of-the-art technology
including large-scale information systems
and a timely exchange of data from all
relevant data bases;

Or. en

Amendment 311

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 4 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) respect and promotion of
fundamental rights in all activities;

Or. en

Amendment 312
Ska Keller

Proposal for a regulation
Article 4 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

*(ga) respect for and promotion of
fundamental rights in all activities;*

Or. en

Amendment 313
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 4 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

*(ga) respect and promotion of
fundamental rights in all activities;*

Or. en

Amendment 314
Ska Keller

Proposal for a regulation
Article 4 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) a quality control mechanism to ensure the implementation of Union legislation in the area of border management.

(h) a quality control mechanism to ensure the implementation of Union legislation in the area of border management *and respect for fundamental rights.*

Or. en

Amendment 315

Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Gérard Deprez

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The implementation of European integrated border management shall be in full compliance with fundamental rights.

Or. en

Justification

It is essential to specify - at the beginning of the Regulation - that the EBCG acts in full compliance with fundamental rights.

Amendment 316

Geoffrey Van Orden

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks. ***deleted***

Or. en

Amendment 317

Lucy Anderson, Claude Moraes, Miltiadis Kyrkos, Merja Kyllönen, Christine Revault D'Allonnes Bonnefoy, Elissavet Vozemberg-Vrionidi, Wim van de Camp

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out ***maritime border surveillance operations and any other*** border control tasks.

Or. en

Amendment 318
Ana Gomes

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

Amendment

1. The European Border and Coast Guard shall implement the European integrated border management as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks ***and national navies. Nonetheless, Member States retain the primary responsibility for the management of their section of the external borders.***

Or. en

Amendment 319
Anna Maria Corazza Bildt

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard shall implement the European integrated border management as a *shared* responsibility ***of the European Border and Coast Guard Agency and of*** the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks.

Amendment

1. The European Border and Coast Guard shall implement the European integrated *external* border management as a responsibility the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, ***together with the European Border and Coast Guard Agency.***

Or. en

Amendment 320
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States must guarantee the proper management of their external borders, in their own interest and in that of all the Member States, in keeping with EU law and the operational and technical strategy for European integrated border management provided for in Article 3(2) of this Regulation, in close cooperation with the Agency.

Or. fr

Amendment 321
Brice Hortefeux, Rachida Dati, Arnaud Danjean

Proposal for a regulation
Article 5 – paragraph 1 b (new)

1b. The Member States must guarantee the proper management of their external borders, in their own interest and in that of all the Member States, in keeping with EU law and the operational and technical strategy for European integrated border management provided for in Article 3(2) of this Regulation, in close cooperation with the Agency.

Or. fr

Amendment 322

Artis Pabriks, Monika Hohlmeier, Jeroen Lenaers, Kinga Gál

Proposal for a regulation

Article 5 – paragraph 2

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency. ***Member States shall as well, in their interests and in interest of all Member States, enter data into the European databases and ensure that the data are accurate, up-to-date and entered lawfully.***

Or. en

Amendment 323

Emil Radev, Mariya Gabriel, Andrej Plenković, Traian Ungureanu, Csaba Sógor

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States ***which have abolished internal border control***, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 324

Gérard Deprez, Louis Michel, Petr Ježek, Nathalie Griesbeck

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of

all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the ***technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.***

all Member States which have abolished internal border control, in full compliance with Union law and in accordance with the ***strategies referred to in Article 3a.***

Or. fr

Justification

The strategies referred to in Article 3a are the European integrated border management strategy and the operational and technical strategy drawn up by the Agency.

Amendment 325 **Geoffrey Van Orden**

Proposal for a regulation **Article 5 – paragraph 2**

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by ***reinforcing***, assessing and ***coordinating*** the actions of Member States in the implementation of those measures, and in return, Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States ***which have abolished internal border control***, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of ***EU*** external borders by assessing and ***reinforcing*** the actions of Member States in the implementation of those measures, and in return, Member States shall ensure the management of their section of the external borders, in their interests and in ***the*** interest of all Member States, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 326 **Filiz Hyusmenova**

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States ***which have abolished internal border control***, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Amendment

2. The European Border and Coast Guard Agency shall facilitate the application of Union measures relating to the management of external borders by reinforcing, assessing and coordinating the actions of Member States in the implementation of those measures, and in return. Member States shall ensure the management of their section of the external borders, in their interests and in interest of all Member States, in full compliance with Union law and in accordance with the technical and operational strategy referred to in Article 3(2), and in close cooperation with the Agency.

Or. en

Amendment 327

Marina Albiol Guzmán, Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. ***The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.***

Amendment

deleted

Or. en

Amendment 328

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.* *deleted*

Or. en

Amendment 329

Geoffrey Van Orden

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.* *deleted*

Or. en

Amendment 330

Ana Gomes

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall ***be responsible for*** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Amendment

3. The European Border and Coast Guard Agency shall ***assist*** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Or. en

Amendment 331

Emil Radev, Mariya Gabriel, Andrej Plenković

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it ***risks putting in jeopardy the functioning of the Schengen area.***

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it ***jeopardises the public order and internal security in the European Union.***

Or. en

Amendment 332
Anna Maria Corazza Bildt

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall ***be responsible for*** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment ***are not taken or in the event of disproportionate migratory pressure,*** rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Amendment

3. The European Border and Coast Guard Agency shall ***participate to*** the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment ***and the Schengen evaluation mechanism are not taken,*** rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Or. en

Amendment 333
Traian Ungureanu, Csaba Sógor

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective ***to such an extent that it risks putting in jeopardy the functioning of the Schengen area.***

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective.

Or. en

Amendment 334
Miriam Dalli

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders ***in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or*** in the event of disproportionate migratory pressure, ***rendering*** the control of the external borders ineffective ***to such an extent that it risks putting in jeopardy the functioning of the Schengen area.***

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders ***only*** in the event of disproportionate migratory pressure ***which would render*** the control of the external borders ineffective.

Or. en

Amendment 335
Ska Keller

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, ***in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.***

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation. ***It shall ensure that the management of external borders, in cases foreseen in this Regulation, is undertaken in full compliance with the Charter of Fundamental Rights, the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and relevant Union law.***

Amendment 336
Filiz Hyusmenova

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area.

Amendment

3. The European Border and Coast Guard Agency shall be responsible for the management of the external borders in the cases foreseen in this Regulation, in particular where the necessary corrective measures based on the vulnerability assessment are not taken or in the event of disproportionate migratory pressure, rendering the control of the external borders ineffective to such an extent that it risks putting in jeopardy the functioning of the Schengen area ***and the internal security within the European Union.***

Or. en

Amendment 337
Péter Niedermüller, Cécile Kashetu Kyenge, Marju Lauristin, Tanja Fajon, Josef Weidenholzer, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Ana Gomes

Proposal for a regulation
Article 5 – paragraph 3 – point 1 (new)

Text proposed by the Commission

Amendment

(1) When carrying out its tasks in accordance with Article 7, The European Border and Coast Guard Agency shall actively observe and promote the application of the existing and future Union law, including fundamental rights and international protection.

Or. en

Amendment 338

Kostas Chrysogonos, Barbara Spinelli

Proposal for a regulation

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The European Border and Coast Guard Agency shall ensure that the management of the EU external borders is undertaken in full compliance with relevant EU legislation, including the 1951 Convention, 1967 Protocol and other relevant treaties as per Article 78 of the TFEU.

Or. en

Amendment 339

Ignazio Corrao, Laura Agea, Laura Ferrara

Proposal for a regulation

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States hold primary responsibility for the implementation of the relevant international, EU or national legislation and law enforcement actions undertaken in the context of joint operations coordinated by the Agency and therefore also for the respect of fundamental rights during these activities. The Agency is also responsible, as the coordinator, and remains fully accountable for all actions and decisions under its mandate. The Commission, in cooperation with the Agency, the Council and relevant stakeholders, shall further analyse provisions related to accountability and liability and redress any potential or actual gaps connected to activities of the Agency.

Amendment 340
Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States hold primary responsibility for the implementation of the relevant international, EU or national legislation and law enforcement actions undertaken in the context of joint operations coordinated by the Agency and therefore also for the respect of fundamental rights during these activities. The Agency is also responsible, as the coordinator, and remains fully accountable for all actions and decisions under its mandate. The Commission, in cooperation with the Agency, the Council and relevant stakeholders, shall further analyse provisions related to accountability and liability and redress any potential or actual gaps connected to activities of the Agency.

Or. en

Amendment 341
Ska Keller

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The European Border and Coast Guard Agency shall be responsible, as the coordinator, and liable for all actions and decisions taken in the context of its activities. Responsibility of the Agency shall be without prejudice to responsibility

of the Member States under relevant international, Union or national law.

Or. en

Justification

Responsibility and liability of the Agency does not limit responsibility of the Member States under international, Union and national law.

Amendment 342

Barbara Spinelli, Kostas Chrysogonos

Proposal for a regulation

Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The provisions under this Article must be accompanied by the clear and unequivocal delineation of the tasks of the Agency and those of the national authorities, the practical arrangements and modalities for cooperation, as well as well-defined lines of command, reporting and accountability and must be implemented in a way that ensures access to an effective remedy in case of violations.

Or. en

Amendment 343

Ska Keller

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Accountability

The European Border and Coast Guard Agency shall be accountable to the

