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**A7-0026/2014**

14.1.2014

**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

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

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Salvatore Iacolino

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

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

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

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

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	29
OPINION OF THE COMMITTEE ON BUDGETS.....	31
PROCEDURE.....	51



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (COM(2011)0753 – C7-0445/2011 – 2011/0368(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0753),
  - having regard to Article 294(2) and Articles 82(1), 84 and 87(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0445/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2012<sup>1</sup>
  - having regard to the opinion of the Committee of the Regions of 18 July 2012<sup>2</sup>,
  - having regard to its decision of 17 January 2013 on the opening of, and the mandate for, interinstitutional negotiations on the proposal<sup>3</sup>,
  - having regard to the undertaking given by the Council representative by letter of 11 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A7-0026/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 299, 4.10.2012, p. 108.

<sup>2</sup> OJ C 277, 13.9.2012, p. 23.

<sup>3</sup> Texts adopted, P7\_TA(2013)0021.

## Amendment 1

### AMENDMENTS BY THE EUROPEAN PARLIAMENT\*

to the Commission proposal

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### **REGULATION (EU) NO .../2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of**

**establishing, as part of the Internal Security Fund, the instrument for financial support  
for police cooperation, preventing and combating crime, and crisis management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 84 and 87(2) thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure<sup>4</sup>,

Whereas:

- (1) The Union's objective of ensuring a high level of security within an area of Freedom, Security and Justice (Article 67(3) of the Treaty on the Functioning of the Union) should be achieved, inter alia, through measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities *and other national authorities* of Member States, *including with EUROPOL or other relevant EU bodies*, and with relevant third-countries *and international organisations*.
- (1a) *The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the general and specific objectives laid down in this Regulation.*

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\* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■.

<sup>1</sup> OJ C ...

<sup>2</sup> OJ C ...

<sup>3</sup> OJ C ...

<sup>4</sup> Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...

- (1b) *Efficiency of measures and quality of spending constitute guiding principles in the implementation of the Fund. Furthermore, the Fund should also be implemented in the most effective and user-friendly manner possible.*
- (2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, ■ organised **and itinerant** crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms, inter alia, continue to challenge the internal security of the Union.
- (3) The Internal Security Strategy for the European Union<sup>1</sup>, adopted by the Council in February 2010, constitutes a shared agenda for tackling these common security challenges. The Commission's Communication of November 2010 "The EU Internal Security Strategy in Action"<sup>2</sup> translates the strategy's principles and guidelines into concrete actions by identifying five strategic objectives: to disrupt international crime networks, to prevent terrorism and address radicalisation and recruitment, to raise levels of security for citizens and businesses in cyberspace, to strengthen security through border management and to increase Europe's resilience to crises and disasters.
- (4) Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and **freedoms and** the rule of law as well as a strong focus on the global perspective and **on** the ■ link **and the necessary coherence** with external security should be key principles guiding the implementation of the Internal Security Strategy.
- (5) To promote the implementation of the Internal Security Strategy and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support by setting up **and managing** an Internal Security Fund.
- (5a) *In order to measure achievements of this Fund, common indicators should be established in relation to each specific objective of this Instrument. The measurement of the achievement of the specific objectives through the common indicators does not render the implementation of the actions related to these indicators mandatory.*
- (5b) *The EU policy cycle, established by the Council on 8-9 December 2010, aims at tackling the most important serious and organised criminal threats to the EU in a coherent and methodological manner through optimum co-operation between the relevant services. To support an effective implementation of this multi-annual cycle, funding under this instrument should make use of all possible methods of implementation as set out in Article 58 of Regulation (EU, EURATOM) N° 966/2012 [new Financial Regulation], including, where appropriate Article 58(1)(c), to ensure the timely and efficient delivery of the activities and projects.*
- (6) Due to the legal particularities applicable to Title V of the Treaty, it is not possible to establish the Internal Security Fund as a single financial instrument.
- (7) The Fund should therefore be established as a comprehensive framework for EU financial support in the field of internal security comprising the instrument

<sup>1</sup> Council doc. 7120/10.

<sup>2</sup> COM (2010) 673 final.

established by this Regulation as well as the Instrument set up by Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa<sup>1</sup>. The comprehensive framework should be complemented by Regulation (EU) No XXX/2012<sup>2</sup> laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

- (7a) ***Cross-border crimes such as human trafficking and exploitation of illegal immigration by criminal organisations may be tackled effectively through police cooperation.***
- (8) The global resources for this Regulation and for Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa should jointly establish the financial envelope for the entire duration of the Fund, which should constitute the prime reference for the budgetary authority during the annual budgetary procedure in accordance with Point 17 of the Inter-institutional Agreement.
- (8a) ***The European Parliament Resolution of 23 October 2013 on organised crime, corruption and money laundering recognised that the fight against organised crime is a European challenge and called for more cooperation between Member States in the law-enforcement field as tackling organised crime effectively is fundamental to protecting the legitimate economy from typical criminal activities such as laundering of the proceeds of crime.***
- (8b) ***In times of austerity for Union policies, overcoming economic problems calls for renewed flexibility, innovative organisational measures, better use of existing structures, and coordination between the Union's institutions, agencies and national authorities and with third countries.***
- (9) Within the comprehensive framework of the Internal Security Fund, the financial assistance provided under this Instrument should support police cooperation, exchange of and access to information, crime prevention, the fight against cross-border, serious and organised crime including terrorism, ***corruption, drug trafficking, trafficking in human beings and arms, exploitation of illegal immigration, child sexual exploitation, distribution of child abuse images and child pornography, cybercrime, laundering of the proceeds of crime***, the protection of people and critical infrastructure against security related incidents and the effective management of security related risks and crisis, taking into account common policies (strategies, ***policy cycles***, programmes and action plans), legislation and practical co-operation.
- (9a) ***In order to contribute to the achievement of the general objective of this instrument, Member States should ensure that their national programmes include actions addressing all specific objectives of this Regulation and that the allocation of resources between the objectives is proportional to the challenges and needs and ensures that the objectives can be met. Where a national programme does not***

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<sup>1</sup> OJ L ....

<sup>2</sup> OJ L ....



***address one of the specific objectives or the allocation is below the minimum percentages set in this Regulation, the Member State concerned should provide a justification within the programme.***

- (10) Financial assistance in these areas should in particular support actions promoting cross-border joint operations, access to and exchange of information, exchange of best practices, facilitated and secure communication and coordination, training and exchange of staff, analytical, monitoring and evaluation activities, comprehensive threat and risk assessments ***in accordance with the competencies set out in the Treaty***, awareness raising activities, testing and validation of new technology, forensic science research, ***the acquisition of technical interoperable equipment and cooperation between Member States and relevant Union bodies, including Europol. Financial assistance in these areas should only support actions which are consistent with priorities and initiatives identified at Union level, in particular those that have been endorsed by the European Parliament and the Council.***
- (10a) ***Within the comprehensive framework of the Union's anti-drugs strategy that advocates a balanced approach based on simultaneous reduction of supply and demand, the financial assistance provided under this Instrument should support all actions aimed at preventing and combating the trafficking of drugs (supply reduction), and in particular measures targeting the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including the possession and purchase with a view to engage in drug trafficking activities.***
- (11) Measures in and in relation to third countries supported through this Instrument should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question, ***democratic principles and values, fundamental liberties and rights, the rule of law and the sovereignty of third countries.*** They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence should also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.
- (12) This Instrument should be implemented in full respect of the rights and principles enshrined in the Charter of Fundamental Rights of the European Union ***and of the Union's international obligations.***
- (12a) ***Pursuant to Article 3 of the Treaty on European Union, the Instrument should support activities which ensure the protection of children against violence, abuse, exploitation and neglect. The Instrument should support safeguards and assistance for child witnesses and victims, in particular those who are unaccompanied or otherwise in need of guardianship.***
- (12b) ***This instrument should complement and reinforce the activities undertaken to develop cooperation between EUROPOL or other relevant EU bodies and Member States in order to achieve the objectives of this instrument in the field of police cooperation, preventing and combating crime, and crisis management. This means***

*inter alia that, when drawing up their national programmes, Member States should take into account the information database, analytical tools and operational and technical guidelines developed by EUROPOL, in particular the EUROPOL information system, the Europol Secure Information Exchange Network Application (SIENA) and the Serious and Organised Crime Threat Assessment (SOCTA).*

- (13) To ensure a uniform implementation of the Internal Security Fund, the Union budget allocated to this financial instrument should be implemented by ***direct and indirect*** management, ***in respect*** of actions of particular interest to the Union (Union actions), emergency assistance and technical assistance, ***and by shared*** management ***in respect of national programmes and actions requiring administrative flexibility.***
- (13a) ***For the resources implemented under shared management, it is necessary to ensure that the Member States' national programmes are consistent with EU-level priorities and objectives.***
- (14) The resources allocated to Member States for implementation through their national programmes should be ***established in this Regulation and*** distributed on the basis of clear ***objective and measurable*** criteria. ***These criteria should relate*** to the public goods to be protected by Member States and the degree of their financial capacity to ensure a high level of internal security, such as the size of their population, their territorial size ***and*** their gross domestic product. ***Moreover, since Organised Crime Threat Assessments point out the prevalent importance of sea and air ports as entry points for criminal organisations for trafficking of persons and illicit commodities, specific vulnerabilities represented by crime routes at these external crossings should be reflected in the distribution of available resources for actions undertaken by Member States through criteria relating to the number of passengers and cargo processed through international air and seaports.***
- (15) To reinforce solidarity and responsibility sharing for common Union policies, strategies and programmes, Member States should be encouraged to use the part of the global resources available for the national programmes to address the strategic Union priorities set out in the annex to this Regulation. For projects addressing these priorities, the Union contribution to their total eligible cost should be increased to 90%, in accordance with Regulation (EU) No XXX/2012 [Horizontal Regulation].
- (16) The ceiling for resources which remain at the disposal of the Union should be ***complementary*** to the resources allocated to Member States for the implementation of their national programmes. This will ensure that the Union is able, in a given budget year, to support actions which are of particular interest to the Union, such as studies, testing and validation of new technologies, transnational projects, networking and exchange of best practices, monitoring of the implementation of relevant Union law and Union policies and actions in relation to and in third-countries. The actions supported should be in line with the priorities identified in relevant Union strategies, programmes, action plans and risk and threat assessments.
- (17) To strengthen the EU's capacity to react immediately to security-related incidents or newly emerging threats for the Union, it should be possible to provide emergency assistance, in accordance with the rapid response mechanism set out in Regulation (EU) No XXX/2012 [Horizontal Regulation].

- (18) Funding from the Union budget should concentrate on activities where the Union intervention can bring additional value compared to action of Member States alone. As the Union is in a better position than Member States to address cross-border situations and to provide a platform for common approaches, activities eligible for support under this Regulation should contribute in particular to strengthening national and Union capabilities as well as cross-border cooperation and coordination, networking, mutual trust and the exchange of information and best practices.
- (18a) *In the application of the Regulation, including the preparation of delegated acts, the Commission should consult experts from all Member States.***
- (18c) *There is a need to maximise the impact of EU funding by mobilising, pooling and leveraging public and private financial resources.***
- (18h) *The Commission should monitor the implementation of the Instrument, in accordance with the relevant provisions of the Horizontal Regulation, with the aid of key indicators for evaluating results and impacts. The indicators, including relevant baselines, should provide the minimum basis for evaluating the extent to which the objectives of the Instrument have been achieved.***
- (19) In order to supplement or amend provisions in this Instrument regarding the definition of strategic Union priorities, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission which should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

- (21) Council Decision 2007/125/JHA of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention of and Fight against Crime'<sup>1</sup> should be repealed, subject to the transitional provisions set out in this Regulation.
- (22) Since the objectives of this Regulation, namely strengthening coordination and cooperation between law enforcement authorities, preventing and combating crime, protecting people and critical infrastructure against security related incidents and enhancing the capacity of Member States and the Union to manage effectively security related risks and crisis, cannot be sufficiently achieved by the Member States and can 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 that objective.

- (27) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the

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<sup>1</sup> OJ L 58, 24.2.2007, p. 7.

European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

- (28) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland **■** has notified its wish to take part in the adoption and application of this Regulation.
- (29) In accordance with Articles **1 and 2** of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. **■**
- (30) ***It is appropriate to align the duration of this Instrument with the Council Regulation (EU) No .../...<sup>\*</sup>. Therefore, this Instrument should apply as from 1 January 2014,***

HAVE ADOPTED THIS REGULATION:

## Article 1

### Purpose and scope

1. This Regulation establishes the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (hereinafter referred to as '*the Instrument*'), as part of the Internal Security Fund (hereinafter referred to as '*the Fund*').  
  
Jointly with Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, this Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Internal Security Fund.
2. This Regulation lays down:
  - (a) the objectives, eligible actions and strategic priorities for financial support to be provided under the Instrument;
  - (b) the general framework for the implementation of eligible actions;
  - (c) the resources made available under the Instrument from 1 January 2014 to 31 December 2020 and their distribution.
3. This Regulation provides for the application of the rules set out in Regulation (EU) No XXX/2012 [Horizontal Regulation].
4. The Instrument shall not apply to matters that are covered by the Justice programme, as set out in Regulation (EU) No XXX/2012<sup>1</sup>. However this Instrument may cover

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<sup>\*</sup> ***Council Regulation (EU) No .../... laying down the multiannual financial framework for the years 2014-2020 (OJ L ...).***

<sup>1</sup> OJ L ...

actions which aim at encouraging cooperation between judicial authorities and law enforcement authorities.

5. ***Synergies, consistency and complementarity shall be sought with other relevant financial instruments of the Union, such as the Civil Protection Mechanism, Horizon 2020, the Health for Growth Programme, the solidarity fund and external aid instruments. Actions financed under this Regulation shall not receive financial support for the same purpose from other Union financial instruments.***

## Article 2

### Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'police cooperation' means the specific measures and types of cooperation ***involving all the Member States' relevant authorities as referred to*** in Article 87 of the Treaty on the Functioning of the European Union.
- (b) 'exchange of and access to information' means the ***secure*** collection, storage, processing, analysis and exchange of information relevant to ***the authorities as referred to in Article 87 of the Treaty of the Functioning of the European Union*** in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border, serious and organised crimes.
- (c) 'crime prevention' means all measures that are intended to reduce or otherwise contribute to reducing crime and citizens' feeling of insecurity, as defined in Council Decision 2009/902/JHA of 30 November 2009 setting-up a European Crime Prevention Network (EUPCN)<sup>1</sup> ***and repealing Decision 2001/427/JHA.***
- (d) 'organised crime' means a punishable conduct ***related to participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA.***
- (e) 'terrorism' means any of the intentional acts and offences as defined in Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism<sup>2</sup>, as amended by Framework Decision 2008/919/JHA of 28 November 2008<sup>3</sup>.
- (f) 'risk and crisis management' means any measure relating to the assessment, prevention, preparedness and consequence management of terrorism, ***organised crime*** and other security-related risks.
- (g) 'prevention and preparedness' means any measure aimed at preventing and/or reducing risks linked to possible terrorist attacks or other security related incidents.
- (h) 'consequence management' means the effective coordination of ***actions*** taken ***at national and/or EU level*** in order to react to and to reduce the impact of the effects of a terrorist attack or any other security related incident ■ .
- (i) 'critical infrastructure' means ***an asset, network, system or part thereof which is essential for the maintenance of vital*** societal functions, ■ health, safety, security,

<sup>1</sup> OJ L 321, 8.12.2009, p. 44.

<sup>2</sup> OJ L 64, 22.6.2002, p. 3.

<sup>3</sup> OJ L 330, 9.12.2008, p. 21.

economic or social well-being of people , ***and the disruption, breach or destruction of which would have a significant impact in a Member State or in the Union as a result of the failure to maintain those functions.***

- (j) 'emergency situation' means any security-related incident or newly emerging threat which has or may have a significant adverse impact on the security of people in one or more Member States.

## Article 3

### Objectives

1. The general objective of the Instrument shall be to contribute to ensuring a high level of security in the European Union.
2. Within the general objective set out in paragraph 1, the Instrument – in line with the priorities identified in relevant Union strategies, ***policy cycles***, programmes, threat and risk assessments –shall contribute to the following specific objectives:

- (a) ***crime prevention***, combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities ***and other national authorities*** of Member States, ***including with EUROPOL or other relevant EU bodies***, and with relevant third-countries ***and international organisations***.

■

- (b) enhancing the capacity of Member States and the Union for managing effectively security-related risks and crisis, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security related incidents.

The achievement of ***the specific objectives of this Instrument*** shall be ***evaluated in accordance with Article 50(2) of the Horizontal Regulation using common indicators, as set out in Annex II and programme-specific indicators included in national programmes.***

3. To achieve these objectives, the Instrument shall contribute to the following operational objectives■ :
- (a) ***promote and develop*** measures ■ strengthening Member States' capability to prevent ***crime*** and combat cross-border, serious and organised crime including terrorism, in particular through public-private partnerships, the exchange of information and best practices, access to data, interoperable technologies, comparable statistics, applied criminology, public communication and awareness raising.
- (b) ***promote and develop*** administrative and operational coordination, cooperation, mutual understanding and the exchange of information among Member States' law enforcement authorities, other national authorities, ***EUROPOL or other relevant EU bodies*** and, where appropriate, with third-countries ***and international organisations***.
- (c) ***promote and develop*** training schemes, ***including regarding technical and***

***professional skills and knowledge of obligations relating to respect of human rights and fundamental freedoms***, in implementation of European training policies, including through specific Union law enforcement exchange programmes, in order to foster a genuine European judicial and law enforcement culture.

- (d) ***promote and develop*** measures, ***safeguards, mechanisms*** and best practices for ***early identification***, protection and support of witnesses and victims of crime, ***including victims of terrorism, and in particular for child witnesses and victims, especially those who are unaccompanied or otherwise in need of guardianship***.
  - (e) measures strengthening Member States' administrative and operational capability to protect critical infrastructure in all sectors of economic activity, including through public-private partnerships and improved coordination, cooperation, exchange and dissemination of know how and experience within the Union and with relevant third-countries.
  - (f) secure links and effective coordination between existing sector-specific early warning and crisis cooperation actors at Union and national level, including situation centres in order to enable the quick production of comprehensive and accurate overviews in crisis situations, coordinate response measures and share open, privileged and classified information.
  - (g) measures ■ strengthening the administrative and operational capacity of the Member States and the Union to develop comprehensive threat and risk assessments, ***which are evidence based and consistent with priorities and initiatives identified at Union level, in particular those that have been endorsed by the European Parliament and the Council*** in order to enable the Union to develop integrated approaches based on common and shared appreciations in crisis situations and to enhance mutual understanding of Member States' and partner countries' various definitions of threat levels.
4. The Instrument shall also contribute to the financing of technical assistance at the initiative of the Member States and the Commission.
5. ***Actions funded under this instrument shall be implemented in full compliance with fundamental rights and human dignity. In particular, actions shall comply with the provisions of the Charter of Fundamental Rights of the European Union, European data protection rules and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).***

***In particular, wherever possible, special attention shall be given by Member States when implementing actions to the assistance and protection of vulnerable persons, in particular children and unaccompanied minors.***

#### Article 4

##### Eligible actions ***under National Programmes***

1. Within the objectives defined in Article 3, and in the light of the agreed conclusions of the policy dialogue as provided for in Article 13 of Regulation (EU) No

XXX/2012 [Horizontal Regulation] *and in line with the objectives of the national programme defined in Article 6*, this Instrument shall support actions in Member States, and in particular *those from* the following *list*:

- (a) actions improving police cooperation and coordination between law enforcement authorities, including *with and between relevant EU bodies, in particular EUROPOL and Eurojust*, joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;
- (b) *projects promoting* networking, *public-private partnerships*, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
- (c) analytical, monitoring and evaluation activities, including studies and threat, risk and impact assessments, *which are evidence based and consistent with priorities and initiatives identified at Union level, in particular those that have been endorsed by the European Parliament and the Council*;
- (d) awareness raising, dissemination and communication activities;
- (e) acquisition, *maintenance of Union and national IT systems contributing to the achievement of the objectives of this Regulation*, and/or further upgrading of *IT systems and* technical equipment, *including testing compatibility of systems*, secure facilities, infrastructures, related buildings and systems, especially *information and communication technology* (ICT) systems and their components, including for the purpose of European cooperation on *cyber security and* cyber crime, notably with the European Cybercrime Centre;
- (f) exchange, training and education of staff and experts of relevant authorities, including language training and joint exercises or programmes;
- (g) measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union funded security research projects.

2. Within the objectives referred to in Article 3, the Instrument *may* also support *the following* actions in relation to and in third-countries:

- (a) actions improving police cooperation and coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;
- (b) networking, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
- (c) exchange, training and education of staff and experts of relevant authorities ;



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

## Article 5

### Global resources and implementation

1. The global resources for the implementation of this Regulation shall be EUR 1 004 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework.
3. The global resources shall be implemented through the following means:
  - (a) national programmes, in accordance with Article 6;
  - (b) Union actions, in accordance with Article 7;
  - (c) technical assistance, in accordance with Article 8;
  - (d) emergency assistance, in accordance with Article 9;
4. The budget allocated under *this Instrument to Union actions referred to in Article 7, to technical assistance referred to in Article 8(1) and the emergency assistance referred to in Article 9* shall be implemented under *direct management and indirect management* in accordance with *Articles 58(1)(a) and 58(1)(c) of Regulation (EU) No XXXX/2012 [New Financial Regulation]*<sup>1</sup>. *The budget allocated to national programmes referred to in Article 6 shall be implemented under shared management in accordance with Article 58(1)(b) of Regulation (EU) N° ..../2012 [New Financial Regulation].*
5. *Without prejudice to the prerogatives of the budgetary authority*, the global resources shall be used **■** as follows:
  - (a) **EUR 662** million for the national programmes of Member States;
  - (b) **EUR 342** million for Union actions, emergency assistance and technical assistance at the initiative of the Commission.
- 5a. *Each Member State shall allocate the amounts for national programmes indicated in Annex 1 as follows: at least 20% for actions relating to the specific objective mentioned in Article 3(2)(a) and at least 10% for actions relating to the specific objective mentioned in Article 3(2)(b). Member States may depart from those minimum percentages provided that an explanation is included in the national programmes as to why allocating resources below this level does not jeopardise the achievement of that objective. That explanation will be assessed by the Commission in the context of the approval of national programmes as referred to in Article 6(2).*
6. Jointly with the global resources established for Regulation (EU) No XXX/2012

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<sup>1</sup> OJ L ....

establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, the global resources available for this Regulation as established in paragraph 1 constitute the financial envelope for the Internal Security Fund and serve as the prime reference for the budgetary authority during the annual budgetary procedure within the meaning of Point 17 of the Inter-institutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management.<sup>1</sup>

■

## Article 6

### National Programmes

1. The national programme to be prepared under the Instrument and the one to be prepared under Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa shall be ■ **proposed** to the Commission as one single national programme for the Fund, in accordance with Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation].
2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States shall, *within the objectives defined in Article 3, pursue in particular the strategic Union priorities listed in the annex to this Regulation, taking account of the outcome of the dialogue referred to in Article 13 of Regulation (EU) No. XXX/2012 [Horizontal Regulation]. Member States shall not use more than 8% of their total allocation of the national programme for the maintenance of Union IT systems and national ones contributing to the achievement of the objectives of this Regulation and not more than 8% for actions in relation to or in third-countries which implement the Strategic Union priorities listed in Annex I of this Regulation.*
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 11 to amend the annex referred to in paragraph 2 by amending, adding or deleting strategic Union priorities.

## Article 7

### Union actions

1. At the Commission's initiative, this Instrument may be used to finance transnational actions or actions of particular interest to the Union ('Union actions') concerning the general, specific and operational objectives set out in Article 3.
2. To be eligible for funding, Union actions shall be **consistent** with the priorities **and initiatives** identified **at Union level, in particular those that have been endorsed by the European Parliament and the Council**, in relevant Union strategies, **policy**

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<sup>1</sup> COM(2011) 403 final.

*cycles*, programmes, threat and risk assessments, and support in particular:

- (a) preparatory, monitoring, administrative and technical *activities, and* development of an evaluation mechanism required to implement the policies on police cooperation, preventing and combating crime, and crisis management;
- (b) transnational projects involving two or more Member States or at least one Member State and one third-country;
- (c) analytical, monitoring and evaluation activities, including threat, risk and impact assessments, *which are evidence based and consistent with priorities and initiatives identified at Union level, in particular those that have been endorsed by the European Parliament and the Council* and projects monitoring the implementation of Union law and Union policy objectives in the Member States;
- (d) projects promoting networking, *public-private partnerships*, mutual confidence, understanding and learning, identification and dissemination of good practices and innovative approaches at Union level, training and exchange programmes;
- (e) projects supporting the development of methodological, notably statistical, tools and methods and common indicators;
- (f) the acquisition, *maintenance* and/or further upgrading of technical equipment, *expertise*, secure facilities, infrastructures, related buildings and systems, especially ICT systems and their components at the Union level, including for the purpose of European cooperation on *cyber security and* cyber crime, notably a European Cybercrime Centre;
- (g) projects enhancing awareness of Union policies and objectives among stakeholders and the general public, including corporate communication on the political priorities of the Union;
- (h) particularly innovative projects developing new methods and/or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union funded security research projects;
- (i) studies and pilot projects;

**2a.** *Within the objectives referred to in Article 3, this Instrument shall also support actions in relation to and in third countries, and in particular the following:*

- (a) *actions improving police cooperation and coordination between law enforcement authorities, and, where applicable, international organisations, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;*
- (b) *networking, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and*

*foresight, contingency planning and interoperability;*

- (c) *acquisition, maintenance, and/or further upgrading of technical equipment, including ICT systems and their components;*
- (d) *exchange, training and education of staff and experts of relevant authorities, including language training;*
- (e) *awareness raising, dissemination and communication activities;*
- (f) *threat, risk and impact assessments;*
- (g) *studies and pilot projects.*

3. Union actions shall be implemented in accordance with Article 7 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

## Article 8

### Technical assistance

1. At the initiative of and/or on behalf of the Commission, the Instrument may contribute up to EUR 800,000 annually for technical assistance to the Internal Security Fund, in accordance with Article 10 of Regulation (EU) No XXX/2012 [Horizontal Regulation].
2. At the initiative of a Member State, the Instrument may contribute up to 5% of the total amount allocated to the Member State **plus EUR 200.000** to technical assistance under the national programme, in accordance with Article 20 of Regulation (EU) No XXX/2012 [Horizontal Regulation].

## Article 9

### Emergency assistance

1. This Instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation, as defined in point (j) of Article 2.
2. Emergency assistance shall be implemented in accordance with the mechanism laid down in **Articles 7 and 8** of Regulation (EU) No XXX/2012 [Horizontal Regulation].

## Article 10

### Resources for eligible actions in the Member States

1. **EUR 662** million shall be allocated to the Member States **■** as follows:
  - (a) 30% in proportion of the size of their total population;
  - (b) 10% in proportion to the size of their territory;
  - (c) **15%** in proportion to the number of passengers and **10% to** the tons of cargo processed through their international air and sea ports;

**■**

- (e) 35% in inverse proportion to their Gross Domestic Product (purchasing power standard per inhabitant).
2. The reference figures for the data referred to in paragraph 1 shall be the latest statistics produced by the Commission (Eurostat), on the basis of data provided by Member States in accordance with Union law **■**. The reference date is 30 June 2013. ***The allocations for national programmes calculated on the basis of the criteria mentioned in paragraph 1 are indicated in Annex III.***

## Article 11

### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation]. ***The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the seven year period.*** The delegation of power shall be tacitly extended for ***a period of three years***, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

## Article 12

### Committee procedure

1. The Commission shall be assisted by the common committee 'Asylum, Migration and Internal Security Funds' established by Article 55(1) of Regulation (EU) No XXX/2012 [Horizontal Regulation].

**■**

## Article 13

### Applicability of Regulation (EU) No XXX/2012

The provisions of Regulation (EU) No XXX/2012 [Horizontal Regulation] shall apply to the Instrument.

## Article 14

### Repeal

Council Decision 2007/125/JHA is repealed with effect from 1 January 2014.

## Article 15

### Transitional provisions

1. This Regulation shall not affect the continuation or modification, including the total or partial cancellation of the projects until their closure or the financial assistance approved by the Commission on the basis of Council Decision 2007/125/JHA, or any other legislation applying to that assistance on 31 December 2013.
2. When adopting decisions on co-financing under the Instrument, the Commission shall take account of measures adopted on the basis of Council Decision 2007/125/JHA before [*date of publication in the Official Journal*] which have financial repercussions during the period covered by that co-financing.
3. Sums committed for co-financing approved by the Commission between 1 January 2011 and 31 December **2014** for which the documents required for closure of the operations have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2017, giving rise to the repayment of amounts unduly paid.

Amounts relating to operations which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.

■

5. The Commission shall submit to the European Parliament and the Council, by 31 December 2015, *an ex-post evaluation of Council Decision 2007/125/JHA for the period 2007 to 2013*.

## Article 16

### Review

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

## Article 17

### Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

***It shall apply from 1 January 2014.***

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX I

### List of Strategic Union Priorities (Article 6 (2))

- Measures preventing ***all types of crime*** and fighting cross-border, serious and organised crime, in particular ***projects implementing relevant policy cycles***, drug trafficking, trafficking in human beings, sexual exploitation of children and projects identifying and dismantling criminal networks, ***enhancing capacities to fight corruption***, protecting the economy against criminal infiltration and reducing financial incentives by seizing, freezing and confiscating criminal assets.
- Measures ***preventing and combating cybercrime and*** raising the levels of security for citizens and business in cyberspace, in particular projects building capacities in law enforcement and the judiciary, projects ensuring work with industry to empower and protect citizens, and projects improving capabilities for dealing with cyber attacks.
- Measures preventing ***and combating*** terrorism and addressing radicalisation and recruitment, in particular projects empowering communities to develop local approaches and prevention policies, projects enabling competent authorities to cut off terrorists from access to funding and materials and follow their transactions, projects protecting the transport of passengers and cargo, and projects enhancing the security of explosives and CBRN materials.
- Measures designed to raise Member States' administrative and operational capability to protect critical infrastructure in all economic sectors including those covered by Directive 2008/114, in particular projects promoting public-private partnerships in order to build trust and facilitate cooperation, coordination, contingency planning and the exchange and dissemination of information and good practices among public and private actors.
- Measures increasing Europe's resilience to crisis and disaster, in particular projects promoting the development of a coherent Union policy on risk management linking threat and risk assessments to decision making, as well as projects supporting an effective and coordinated response to crisis linking up existing (sector-specific) capabilities, expertise and situation awareness centres, including those for health, civil protection and terrorism.
- ***Measures seeking to achieve a closer partnership between the Union and third countries (in particular countries situated on its external borders) and the drawing up and implementation of operational programmes of action for achievement of the above EU strategic priorities.***



## ANNEX II

### *List of common Indicators for the measurement of the Specific Objectives*

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

- i) *Number of joint investigation teams (JITs) and European Multidisciplinary Platform against Criminal Threats (EMPACT) operational projects supported by the Fund, including the participating Member States and authorities***

*For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down in subcategories such as:*

- 1) *Leader (Member State)***
- 2) *Partners (Member States)***
- 3) *participating authorities***
- 4) *participating EU Agency (Eurojust, Europol), if applicable.***

- ii) *Number of law enforcement officials trained on cross-border-related topics with the help of the Fund, and the duration of their training (person days)***

*For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down in subcategories such as:*

- 1) *by type of crime (Art. 83 TFEU): terrorism, trafficking in human beings and sexual exploitation of women and children; illicit drug trafficking; illicit arms trafficking; money laundering; corruption; counterfeiting of means of payment; computer crime; organised crime; or***
- 2) *by horizontal area of law enforcement: information exchange; operational cooperation***

- iii) *Number and financial value of projects in the area of crime prevention***

*For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down by type of crime (Art. 83 TFEU): terrorism, trafficking in human beings and sexual exploitation of women and children; illicit drug trafficking; illicit arms trafficking; money laundering; corruption; counterfeiting of means of payment; computer crime; organised crime*

- iv) *Number of projects supported by the fund, aiming to improve law enforcement information exchange which are related to Europol data systems, repositories or communication tools***

*For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down by type of crime (Art. 83 TFEU): data loaders, extending access to SIENA,*

*projects aiming to improving input to analysis work files etc.*

***b) Enhancing the capacity of Member States and the Union for managing effectively security-related risks and crisis, and preparing for and protecting people and critical infrastructure against terrorist attacks and other security-related incidents***

- i. Number and tools put in place and/or further upgraded with the help of the Fund to facilitate the protection of critical infrastructure by Member States in all sectors of the economy***
- ii. Number of projects relating to the assessment and management of risks in the field of internal security supported by the Fund***
- iii. Number of expert meetings, workshops, seminars, conferences, publications, websites and (online) consultations organised with the help of the Fund***

***For the purposes of annual implementation reports, as referred to in Article 49 of the Horizontal Regulation, this indicator shall further be broken down in subcategories such as:***

- 1) relating to critical infrastructure protection; or***
- 2) relating to crisis and risk management.***

# ANNEX III – figures for national programmes

ISF POLICE - Amounts of national programmes																	
MS	Population (individuals)		Territory (Km²)		# passengers				# tons of cargo				GDP/capita (EUR)			Allocations	
	(2013) (1)		(2012)		air (2012) (2)	sea (2011) (3)	Total		air (2012) (4)	sea (2011) (5)	Total		(2012) (6)				
	30%		10%		15%				10%					35%			2014-2020
	Number	allocation	Number	allocation	Numbers			allocation	Numbers			allocation	Number	clef	allocation		
AT	8.488.511	3.845.782	83.879	1.321.372	8.196.234	0	8.196.234	3.169.093	219.775	0	219.775	4.651	36.400	16,66	3.822.008	12.162.906	
BE	11.183.350	5.066.698	30.528	480.917	8.573.821	0	8.573.821	3.315.088	1.068.434	232.789.000	233.857.434	4.948.770	34.000	17,84	4.091.797	17.903.270	
BG	7.282.041	3.299.182	110.900	1.747.038	1.705.825	0	1.705.825	659.561	18.536	25.185.000	25.203.536	533.344	5.400	112,33	25.763.168	32.002.293	
CH																	
CY	862.011	390.540	9.251	145.734	1.587.211	107.000	1.694.211	655.071	28.934	6.564.000	6.592.934	139.516	20.500	29,59	6.786.396	8.117.257	
CZ	10.516.125	4.764.407	78.866	1.242.401	3.689.113	0	3.689.113	1.426.404	58.642	0	58.642	1.241	14.500	41,83	9.594.559	17.029.012	
DE	82.020.688	37.160.068	357.137	5.626.095	66.232.970	1.146.000	67.378.970	26.052.237	4.448.191	296.037.000	300.485.191	6.358.712	32.299	18,78	4.307.288	79.504.401	
DK																	
EE	1.286.479	582.849	45.227	712.475	466.960	61.000	527.960	204.137	23.760	48.479.000	48.502.760	1.026.390	12.700	47,76	10.954.418	13.480.269	
ES	46.006.414	20.843.540	505.991	7.971.031	24.450.017	3.591.000	28.041.017	10.842.125	592.192	398.332.000	398.924.192	8.441.827	22.700	26,72	6.128.683	54.227.207	
FI	5.426.674	2.458.594	338.432	5.331.428	3.725.547	250.000	3.975.547	1.537.155	195.622	115.452.000	115.647.622	2.447.275	35.600	17,04	3.907.896	15.682.348	
FR	65.633.194	29.735.595	632.834	9.969.228	48.440.037	906.000	49.346.037	19.079.761	1.767.360	322.251.000	324.018.360	6.856.709	31.100	19,50	4.473.348	70.114.640	
GR	11.290.067	5.115.047	131.957	2.078.760	5.992.242	66.000	6.058.242	2.342.434	72.187	135.314.000	135.386.187	2.864.972	17.200	35,27	8.088.437	20.489.650	
HR	4.398.150	1.992.614	87.661	1.380.951	4.526.664	5.000	4.531.664	1.752.179	6.915	21.862.000	21.868.915	462.779	10.300	58,89	13.506.904	19.095.426	
HU	9.906.000	4.487.985	93.024	1.465.432	1.327.200	0	1.327.200	513.165	61.855	0	61.855	1.309	9.800	61,90	14.196.032	20.663.922	
IE	4.582.769	2.076.257	69.797	1.099.534	3.139.829	0	3.139.829	1.214.022	113.409	45.078.000	45.191.409	956.317	35.700	16,99	3.896.950	9.243.080	
IS																	
IT	59.394.207	26.908.977	301.336	4.747.041	21.435.519	1.754.000	23.189.519	8.966.282	844.974	499.885.000	500.729.974	10.596.188	25.700	23,60	5.413.273	56.631.761	
LI																	
LT	2.971.905	1.346.443	65.300	1.028.692	504.461	0	504.461	195.051	15.425	42.661.000	42.676.425	903.096	11.000	55,15	12.647.374	16.120.656	
LU	537.039	243.309	2.586	40.738	365.944	0	365.944	141.493	615.287	0	615.287	13.020	83.600	7,26	1.664.128	2.102.689	
LV	2.017.526	914.055	64.562	1.017.066	1.465.671	676.000	2.141.671	828.082	31.460	67.016.000	67.047.460	1.418.824	10.900	55,65	12.763.405	16.941.431	
MT	421.230	190.841	316	4.978	335.863	0	335.863	129.862	16.513	5.578.000	5.594.513	118.388	16.300	37,21	8.535.037	8.979.107	
NL	16.779.575	7.602.108	41.540	654.399	23.172.904	0	23.172.904	8.959.858	1.563.499	491.695.000	493.258.499	10.438.081	35.800	16,94	3.886.065	31.540.510	
NO																	
PL	38.533.299	17.457.791	312.679	4.925.731	4.219.070	9.000	4.228.070	1.634.793	68.306	57.738.000	57.806.306	1.223.267	9.900	61,27	14.052.637	39.294.220	
PT	10.487.289	4.751.342	92.212	1.452.643	5.534.972	0	5.534.972	2.140.110	116.259	67.507.000	67.623.259	1.431.008	15.600	38,88	8.918.020	18.693.124	
RO	21.305.097	9.652.429	238.391	3.755.444	1.239.298	0	1.239.298	479.177	28.523	38.918.000	38.946.523	824.166	6.200	97,84	22.438.889	37.150.105	
SE	9.555.893	4.329.367	438.576	6.909.023	5.757.921	1.320.000	7.077.921	2.736.695	144.369	181.636.000	181.780.369	3.846.742	43.000	14,11	3.235.375	21.057.201	
SI	2.058.821	932.764	20.273	319.367	513.394	0	513.394	198.505	9.015	16.198.000	16.207.015	342.964	17.200	35,27	8.088.437	9.882.037	
SK	5.410.836	2.451.419	49.036	772.480	330.166	0	330.166	127.659	20.894	0	20.894	442	13.200	45,95	10.539.478	13.891.478	
UK																	
Total	438.355.190	198.600.000	4.202.290	66.200.000	246.928.853	9.891.000	256.819.853	99.300.000	12.150.336	3.116.175.000	3.128.325.336	66.200.000	606.599	1.010	231.700.000	662.000.000	
Budget allocation share	198.600.000		66.200.000		99.300.000				66.200.000				231.700.000			662.000.000	

- (1) Population on 01/01/2013; Eurostat on-line data tps00001; latest update 18/07/2013, except for GR, HR, IT and CY: latest update 11/03/2013
- (2) Number of passengers travelling to and from extra-EU destinations from all airports; Eurostat on-line data avia\_paoc and table ttr00012; latest update 26/06/2013. For CROATIA, data represent the totality of international passengers without differentiating intra- and extra-EU. For IT, CY and PL, data are those of 2012.
- (3) Number of passengers travelling to and from extra-EU destinations (excluding cruise passengers) from all seaport; Eurostat on-line data mar\_pa\_qm; latest update 06/03/2013

NB: The only information collected by Eurostat on cruise passengers within the framework of the Directive on maritime transport statistics is:

- the number of cruise passengers embarking and disembarking in all ports (in EU, EEA, Croatia and Turkey).
- the port in which they embark or disembark their vessel
- the direction (i.e. if they are embarking or disembarking)

For other sea passengers in main European ports, Eurostat also collects information on last port of call/next port of call, but this is not done for cruise passengers. Subsequently, it is not possible to determine where the cruise passengers are travelling from or travelling to.

- (4) Poids des marchandises transportées en Europe. Les données couvrent le volume total de marchandises et de courrier (chargé et déchargé); Eurostat on-line data ttr00011; latest update 11/03/2013
- (5) Poids brut des marchandises traitées dans les ports (marchandises déchargées des navires plus marchandises chargées sur les navires). Les données sont collectées dans le cadre de la Directive 2009/42/CE du 6.5.2009; Eurostat on-line data ttr00009; latest update 11/03/2013
- (6) Eurostat database nama\_gdp\_c, latest update 25/07/2013

## EXPLANATORY STATEMENT

Crime, and organised crime in particular, poses a serious threat to the safety and security of people in the EU and to the development of the internal market. Crime has become predominately transnational nowadays, making cooperation between police forces throughout the Member States and with non-EU countries fundamental to tackling the problem effectively. The fight against typical organised crime offences, including laundering the proceeds of crime, safeguards the legitimate economy and prevents possible market distortion.

The instrument for financial support for police cooperation, preventing and combating crime, and crisis management forms, with the asylum instrument, one of the two pillars of the Internal Security Fund under the EU's multiannual financial framework 2014-2020.

This instrument supplements two funds generally underused by the Member States: ISEC (Prevention of and fight against crime) and CIPS (Prevention, Preparedness and Consequence Management of Terrorism) both of which are provided for in the 2007-2013 programme.

The specific objectives identified by the Commission (preventing and combating organised crime, strengthening cooperation between authorities in the Member States and with third countries, security and crisis management, protecting people and critical infrastructure) have been converted into operational objectives by promoting and developing methodologies, tools and structures to strengthen and coordinate administration and operations.

The Commission has therefore identified actions (such as information exchange, training, acquisition of technical equipment, acquisition of new technologies) that are eligible under joint management of resources by the EU and the Member States.

As regards the allocation of resources, the rapporteur has changed the Commission's original proposals in order to favour national programmes (up from 50 % to 60 % of the total figure) over Union actions, in the hope that all Member States will become more involved. However, for this to happen, national authorities' capacity to use the resources at their disposal also needs to improve.

The rapporteur felt that it was important to adjust the definitions proposed by the Commission needed some adjustment, referring back to EU and international laws on organised crime.

With reference to indicators to measure achievement of the objectives, a specific article has been drawn up listing in greater detail useful evaluation factors.

The Commission's legislative proposal does not develop the Schengen acquis, in the rapporteur's opinion, and he therefore proposes that references thereto be removed.

The rapporteur has altered the criteria for allocating resources for national programmes as demographic and territorial criteria, and the volume of air and sea traffic (passengers and cargo), should be given a higher profile. Inverse proportion of GDP and critical infrastructure,

on the other hand, should not have the impact envisaged in the Commission's document.

17.9.2012

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (COM(2011)0753 – C7-0445/2011 – 2011/0368(COD))

Rapporteur: Dominique Riquet

### SHORT JUSTIFICATION

#### Indicative financial envelope

In its Communication of June 2011 on the next Multiannual Financial Framework<sup>1</sup>, the Commission proposed a home affairs budget of EUR 10 911 million for the period 2014-2020 (around 1% of the EU budget).

This figure covers not only spending on financial programmes (including this one) but also funding for large-scale IT systems and the decentralised agencies active in the home affairs area:

Home affairs budget 2014-2020 <sup>2</sup>	EUR million (current prices)
Asylum and Migration Fund <i>including Resettlement Programme and European Migration Network</i>	3 869
Internal Security Fund <i>including new large-scale IT systems</i>	4 648
Existing large-scale IT systems and IT Agency	822
<b>Subtotal</b>	<b>9 339</b>
Agencies <sup>3</sup>	1 572

<sup>1</sup> COM(2011)500 final of 29 June 2011.

<sup>2</sup> Source: Communication 'Building an open and secure Europe: the home affairs budget for 2014-2020' - COM(2011)0753.

<sup>3</sup> European Police Office (EUROPOL), European Police College (CEPOL), European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), European

<b>Total</b>	<b>10 911</b>
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As in other policies, the Commission proposes simplifying the structure of the financial programmes under heading 3 A by reducing the number of Funds to two: an ‘Asylum and Migration Fund’ and the current ‘Internal Security Fund’.

The Internal Security Fund will have an indicative budget EUR 4 648 million (current prices) to support the implementation of the Internal Security Strategy and a coherent approach to law enforcement cooperation, including the management of the EU's external borders.

### **Breakdown between national programmes and Union actions**

Within this global envelope, the resources indicatively available for the implementation of this specific regulation amount to EUR 1 128 million:

	<b>EUR million</b>
<b>Internal Security Fund<sup>1</sup></b> <i>(including new IT systems)</i>	<b>4 648</b>
- Police cooperation instrument	1 128
- Border instrument	3 520

Indicatively, 50% of this amount (EUR 564 million) should be used for national programmes of Member States while the other 50% (EUR 564 million) should be centrally managed to fund Union actions, emergency actions and technical assistance.

### **The different components of the programme**

The Fund will cover activities currently supported by the Specific Programmes ISEC (Prevention of and the fight against crime) and CIPS (Prevention, preparedness and consequence management of terrorism and other security-related risks), as well as those supported by the External Borders Fund.

In relation to **internal security**, the Fund will provide financial support for police cooperation, crime prevention and the fight against serious cross-border crime and organised crime, as well as for crisis management and the protection of EU critical infrastructure. The Fund will help by strengthening practical law enforcement cooperation through, for example, financial support for joint operations of law enforcement authorities, the pooling of resources, the exchange of information and best practices or training for police officers.

Funding will also be provided for the development of common tools, including interoperable

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Asylum Support Office (EASO), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

<sup>1</sup> The Fund is created in the form of two separate acts: this regulation on police co-operation, preventing and combating crime, and crisis management, and the regulation on border management and common visa policy.



IT systems and secure communication channels between Member States.

In order to combat the growing threat of **cybercrime**, financial support will be provided for the setting up of a centre through which Member States and EU institutions will be able to build operational and analytical capacity for investigations and cooperation with international partners.

The Fund also has an **external dimension** to support actions in, and in relation to, third countries. This funding is designed and implemented in coherence with EU external action, but is not intended to support actions which are development oriented, and will complement the financial assistance provided through external aid instruments.

### **Shared management with the Member States**

For the resources implemented under shared management, the Commission proposes a distribution of funding between Member States calculated on the basis of objective criteria and Member States' needs, which will be allocated to the latter at the start of the next Multiannual Financial Framework. This will ensure continuity of funding and give Member States the predictability they need to plan their national programmes adequately.

In order to assess progress, the Member States will have to report annually on the results achieved under their programmes and financial management. The policy dialogue will be resumed in the event of a Member State requesting changes to its multiannual programme.

The management and control systems to be set up by the participating States will be simplified. In line with the revised Financial Regulation, they will aim to strengthen accountability by assigning responsibility for financial management to one authority, to reduce the number of layers of control and to contribute to providing assurance on the accounts, the proper functioning of the system, the legality and regularity of transactions and respect of the principle of sound financial management

### **Rapporteur's opinion**

The rapporteur proposes a few amendments in order to bear in mind a number of budgetary principles when implementing this regulation. Implementation should be transparent, efficient and clear, with the onus on a results-based approach focussed on actions with strong European added value.

Whilst the Commission proposal introduces an element of shared management into the implementation of this regulation, the rapporteur emphasises that centralised management should be the rule in order to improve the efficiency and supervision of spending. He points out that Article 317 TFEU stipulates that it is the Financial Regulation that lays down the control and audit obligations of the Member States in the implementation of the budget and the responsibilities resulting from shared management.

Since, moreover, negotiations on the Multiannual Financial Framework for 2014-2020 have not been completed, it should be pointed out that the financial envelope indicated in this regulation cannot be determined until overall agreement has been reached. This agreement

should reflect the objectives of the Europe 2020 strategy and the Union's new powers.

As for the scope of this regulation, the rapporteur considers that more attention should be paid to trafficking in protected species, which is becoming a major problem.

Finally, to complete the objectives of this regulation it is necessary to consider Member State crime rates in the allocation of resources - rates which still vary widely at present - and to make more of the possibilities for cooperation with Europol.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its reports:

### Amendment 1

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

*Text proposed by the Commission*

*Amendment*

***1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and cannot be fixed until agreement is reached on the proposal for a regulation laying down the Multiannual Financial Framework for the years 2014-2020;***

### Amendment 2

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

*Text proposed by the Commission*

*Amendment*

***1b. Recalls its resolution of 8 June 2011 on "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"<sup>1</sup>; reiterates that sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil its existing policy priorities***

*and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; calls on the Council, if it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value; points out that even with an increase in the level of resources for the next MFF of at least 5 % compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity;*

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

### **Amendment 3**

#### **Proposal for a regulation Recital 2**

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

(2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism and organised crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms, inter alia, continue to challenge the internal security of the Union.

##### *Amendment*

(2) To achieve this objective, enhanced actions at Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism and organised crime, drug trafficking, corruption, cyber crime, trafficking in human beings and arms ***and trafficking in protected species***, inter alia, continue to challenge the internal security of the Union.

### **Amendment 4**

#### **Proposal for a regulation Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) In its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe<sup>1</sup>, the European Parliament stressed the need for an integrated approach towards pressing immigration, asylum questions as well as towards the management of the external borders of the Union, with sufficient funding and support tools to handle emergency situations made available in a spirit of respect for human rights and solidarity amongst all Member States, respecting national responsibilities and a clear definition of tasks. It further notes that, in this regard, the increased challenges of FRONTEX, the European Asylum Support Office and the Funds on Solidarity and Management of Migration Flows need to be duly taken into consideration.***

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

*Justification*

*Paragraph 107 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

## **Amendment 5**

### **Proposal for a regulation Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2b) In its resolution of 8 June 2011<sup>1</sup>, the European Parliament, further emphasised the need of developing better synergies between different funds and programs and points to the fact that the simplification of management of funds***

*and allowing cross-financing enable the allocation of more funds to common objectives, welcomed the Commission's intention to reduce the total number of budgetary instruments in home affairs in a two-pillar structure and where possible under shared management and expressed its belief that this approach should contribute significantly to an increased simplification, rationalisation, consolidation and transparency of the current funds and programmes. It stressed however the need to ensure that the different objectives of home affairs policies will not be mixed up.*

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

#### *Justification*

*Paragraph 109 of the resolution of 8 June 2011 "Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe"*

### **Amendment 6**

#### **Proposal for a regulation Recital 5**

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

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

##### *Amendment*

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

## Amendment 7

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 8

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

(11) Measures in and in relation to third countries supported through this Instrument should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will

*Amendment*

(11) Measures in and in relation to third countries ***which would be*** supported through this Instrument should be taken in synergy and coherence with other actions outside the Union supported through Union external assistance instruments, both geographic and thematic. In particular, in implementing such actions full coherence should be sought with the principles and general objectives of the Union external action and foreign policy related to the country or region in question. They should not be intended to support actions directly development-oriented and they should complement, when appropriate, the financial assistance provided through external aid instruments. Coherence will

also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.

also be sought with the Union humanitarian policy, in particular as regards the implementation of emergency measures.

## Amendment 9

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

(12) This Instrument should be implemented in full respect with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

*Amendment*

*does not affect the English version*

## Amendment 10

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

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

*Amendment*

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

#### *Justification*

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

## Amendment 11

### Proposal for a regulation Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

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

*Justification*

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

## Amendment 12

### Proposal for a regulation Recital 14

*Text proposed by the Commission*

*Amendment*

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

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



## **Amendment 13**

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

*Text proposed by the Commission*

*Amendment*

***(18a) Spending of EU and Member States' funds in this area should be better coordinated in order to assure complementarity, a better efficiency and visibility, as well as to achieve better budgetary synergies.***

## **Amendment 14**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 16**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 17**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 19

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) In order to supplement or amend provisions in this Instrument regarding the definition of strategic Union priorities, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission which should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

*Amendment*

*does not affect the English version*

## Amendment 20

### Proposal for a regulation Recital 27 a (new)

*Text proposed by the Commission*

*Amendment*

***(27a) When the Commission implements the Union budget under shared management, implementation tasks shall be delegated to Member States. The Commission and the Member States shall respect the principles of sound financial management, transparency and non-discrimination and ensure the visibility of Union action when they manage Union funds. To this end, the Commission and the Member States shall fulfil their respective control and audit obligations, and assume the resulting responsibilities laid down in this Regulation. Complementary provisions shall be laid down in sector-specific rules.***

## Amendment 21

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

#### *Text proposed by the Commission*

(d) 'organised crime' means a punishable conduct committed by a structured group of three or more persons, existing for a period of time and acting in concert in order to obtain, directly or indirectly, a financial or other material benefit.

#### *Amendment*

(d) 'organised crime' means a punishable conduct committed by a structured group of three or more persons, existing for a period of time and acting in concert in order to obtain, directly or indirectly, a financial or other material benefit, ***in contravention of the law.***

## Amendment 22

### Proposal for a regulation Article 3 – paragraph 2 – point a - first subparagraph

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 23

### Proposal for a regulation Article 3 – paragraph 2 – point a – second subparagraph

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 24

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 25

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

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

(a) actions improving police cooperation and coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies, *such as the extension of Europol Secure Information Exchange Network Application (SIENA) or the implementation of data loaders for the Europol information system;*

## Amendment 26

### Proposal for a regulation

#### Article 5 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The global resources for the implementation of this Regulation shall be EUR 1,128 million.

1. The *indicative* global resources for the implementation of this Regulation shall be EUR 1,128 million.

## Amendment 27

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

*Text proposed by the Commission*

2. The annual appropriations shall be authorised by the budgetary authority *within the limits* of the **Financial Framework**.

*Amendment*

2. The annual appropriations **for the Fund** shall be authorised by the budgetary authority *without prejudice to the provisions* of the **Regulation laying down the multiannual financial framework for the years 2014-2020 and the Interinstitutional Agreement of xxx/201z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management**.

**Amendment 28**

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

*Text proposed by the Commission*

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

*Amendment*

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

*Justification*

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

## Amendment 29

### Proposal for a regulation

#### Article 5 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

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

*Justification*

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

## Amendment 30

### Proposal for a regulation

#### Article 5 – paragraph 5 – introductory part

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 31

### Proposal for a regulation

#### Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States shall ***focus on*** projects addressing the strategic Union priorities listed in the annex to this Regulation.

2. Under the national programmes to be examined and approved by the Commission pursuant to Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation], Member States shall ***implement*** projects addressing the strategic Union priorities listed in the annex to this Regulation.

*Justification*

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

**Amendment 32**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point g**

*Text proposed by the Commission*

(g) projects enhancing awareness of **Union** policies **and objectives** among stakeholders and the general public, **including corporate communication on the political priorities of the Union**;

*Amendment*

(g) projects enhancing awareness of **these** policies among stakeholders and the general public;

*Justification*

*Other budget lines are earmarked for communicating the EU's political objectives.*

**Amendment 33**

**Proposal for a regulation**

**Article 15 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

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



## Amendment 34

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

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Evaluation*

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

*Justification*

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

## Amendment 35

### Proposal for a regulation Annex – List of Strategic Union Priorities – first indent

*Text proposed by the Commission*

*Amendment*

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

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

## PROCEDURE

<b>Title</b>	Internal Security Fund - Police cooperation, preventing and combating crime and crisis management
<b>References</b>	COM(2011)0753 – C7-0445/2011 – 2011/0368(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 15.12.2011
<b>Opinion by</b> Date announced in plenary	BUDG 15.12.2011
<b>Rapporteur</b> Date appointed	Dominique Riquet 15.2.2012
<b>Date adopted</b>	6.9.2012
<b>Result of final vote</b>	+: 30 –: 2 0: 1
<b>Members present for the final vote</b>	Marta Andreasen, Richard Ashworth, Reimer Böge, Zuzana Brzobohatá, Jean Louis Cottigny, Jean-Luc Dehaene, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ingeborg Gräßle, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, George Lyon, Jan Mulder, Juan Andrés Naranjo Escobar, Dominique Riquet, Derek Vaughan, Angelika Werthmann
<b>Substitute(s) present for the final vote</b>	Burkhard Balz, Maria Da Graça Carvalho, Edit Herczog, Jürgen Klute, Georgios Stavrakakis, Nils Torvalds
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Luigi Berlinguer

## PROCEDURE

<b>Title</b>	Internal Security Fund - Police cooperation, preventing and combating crime and crisis management			
<b>References</b>	COM(2011)0753 – C7-0445/2011 – 2011/0368(COD)			
<b>Date submitted to Parliament</b>	15.11.2011			
<b>Committee responsible</b> Date announced in plenary	LIBE 15.12.2011			
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 15.12.2011			
<b>Rapporteur(s)</b> Date appointed	Salvatore Iacolino 5.12.2011			
<b>Discussed in committee</b>	20.3.2012	10.7.2012	6.11.2012	10.12.2012
	9.1.2014			
<b>Date adopted</b>	9.1.2014			
<b>Result of final vote</b>	+: 39 -: 8 0: 2			
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Roberta Angelilli, Edit Bauer, Emine Bozkurt, Salvatore Caronna, Philip Claeys, Carlos Coelho, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Baroness Sarah Ludford, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Anthea McIntyre, Claude Moraes, Antigoni Papadopolou, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Wim van de Camp, Axel Voss, Renate Weber, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra			
<b>Substitute(s) present for the final vote</b>	Alexander Alvaro, Mariya Gabriel, Stanimir Ilchev, Ulrike Lunacek, Hubert Pirker, Zuzana Roithová, Joanna Senyszyn, Marie-Christine Vergiat, Janusz Wojciechowski			
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Leonardo Domenici, Christian Engström, Enrique Guerrero Salom, Nadja Hirsch, Olle Ludvigsson			
<b>Date tabled</b>	14.1.2014			