



**2018/0258(COD)**

15.10.2018

**\*\*\*I**

## **DRAFT REPORT**

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

Committee on the Internal Market and Consumer Protection

Rapporteur: Jiří Pospíšil

### ***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

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	9



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

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

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0474),
  - having regard to Article 294(2) and Article 33, Article 114 and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0273/2018),
  - 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 xxxx<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Budgets, the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation Recital 15**

*Text proposed by the Commission*

(15) Most customs control equipment may be equally or incidentally fit for

*Amendment*

(15) Most customs control equipment may be equally or incidentally fit for

---

<sup>1</sup> [OJ C 0, 0.0.0000, p. 0.].

controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by Regulation [2018/XXX]<sup>25</sup> will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for financial support for customs control equipment established by this Regulation will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624<sup>26</sup>, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.

---

<sup>25</sup> COM(2018) 473.

<sup>26</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by Regulation [2018/XXX]<sup>25</sup> will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for financial support for customs control equipment established by this Regulation will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and security, *assuming such use is neither systematic nor regular*. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624<sup>26</sup>, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.

---

<sup>25</sup> COM(2018) 473.

<sup>26</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Or. en

## Amendment 2

### Proposal for a regulation

#### Article 3 – paragraph 1

*Text proposed by the Commission*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from ***unfair and*** illegal trade while facilitating legitimate business activity.

*Amendment*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from illegal trade while facilitating legitimate business activity.

Or. en

## Amendment 3

### Proposal for a regulation

#### Article 9 – paragraph 1 – introductory part

*Text proposed by the Commission*

The ***following*** costs ***shall not be*** eligible for funding under the Instrument.

*Amendment*

***All*** the costs ***related to actions referred to in Article 6 shall be*** eligible for funding under Instrument, ***with the exception of***.

Or. en

## Amendment 4

### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

3. The performance reporting system shall ensure that data for monitoring the implementation and results of the Instrument are collected ***efficiently, effectively,*** and in a timely manner. To that end, proportionate reporting requirements

*Amendment*

3. The performance reporting system shall ensure that data for monitoring the implementation and results of the Instrument are ***duly*** collected in a timely manner. To that end, proportionate reporting requirements shall be imposed on

shall be imposed on recipients of Union funds.

recipients of Union funds.

Or. en

## Amendment 5

### Proposal for a regulation Article 13 – paragraph 1

#### *Text proposed by the Commission*

1. Evaluations shall be carried out in a timely manner to ***feed into*** the decision-making process.

#### *Amendment*

1. Evaluations ***of actions funded under the Instrument and referred to in Article 6*** shall be carried out in a timely manner to ***ensure their efficient use in*** the decision-making process.

Or. en

## Amendment 6

### Proposal for a regulation Article 16 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall ***implement*** information ***and communication actions*** relating to the Instrument, ***and*** its actions and results. ***Financial resources allocated to the Instrument shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3.***

#### *Amendment*

2. The Commission shall ***provide*** information ***to the public*** relating to the Instrument, its actions and results.

Or. en



## EXPLANATORY STATEMENT

The proposed Instrument for financial support for customs control equipment, as a part of, a new Integrated Border Management Fund (IBMF) in the MFF for the period 2021 - 2027, aims at reinforcing controls of goods entering and exiting the Union's borders via providing funding for the purchase, maintenance and upgrade of customs control equipment such as new scanners, automated number plate detection systems and mobile laboratories for sample analysis. The Instrument is a new financial tool developed upon prior requests from the Member States and is therefore based on their needs as regards better management of both external and internal borders. Following the Commission's presentation of the proposal on 03/10/2018, Your rapporteur thoroughly examined the proposal and generally considers it useful and well-elaborated. Nevertheless, he has some remarks and recommendations in order to make the text of the proposal more clear and coherent.

In articles 3, 9, 12 and 13, some more specific wording should avoid misconception of the intended meaning. Besides these minor changes, two more substantial amendments are proposed.

Firstly, adaptations of recital 15 should clarify the use of customs control equipment for additional purposes by other parties. While fully acknowledging and supporting possible synergies, Your rapporteur considers that such use should be neither systematic nor regular, thus preventing misuse and undermining the Instrument's objectives.

Secondly, in article 16, simplified rules for publishing information about the Instrument are being put forward with the aim not to impose too much obligation on the Commission, as regards publication and information tasks. Therefore, an appropriate way of publishing information about the Instrument would be subject to the Commission's own consideration, without establishing any stringent rules in this regard.