



2020/0278(COD)

27.1.2022

AMENDMENTS

445 - 807

Draft report
Birgit Sippel
(PE700.425v01-00)

Introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817

Proposal for a regulation
(COM(2020)0612 – C9-0307/2020 – 2020/0278(COD))

Amendment 445

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. *In the cases referred to in Article 3*, the screening shall be conducted at locations *situated at or in proximity to the external borders*.

Amendment

1. The screening shall be conducted at *appropriate* locations *identified by the Member State*.

Or. en

Justification

Member State should be the one to decide where the screening will take place. This flexibility is needed because of the different geographical specificities of the Member State.

Amendment 446

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. *In the cases referred to in Article 3*, the screening shall be conducted *at locations situated at or in proximity to the external borders*.

Amendment

1. The screening shall be conducted *in the Member States' respective appropriate forums*.

Or. it

Amendment 447

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. *In the cases referred to in Article*

Amendment

1. The screening shall be conducted *in*

3, the screening shall be conducted at locations *situated at or in proximity to the* external borders.

adequate and official facilities within the territory of the Member States where third-country nationals shall have access to appropriate services, including legal advice, free legal aid and linguistic assistance. Member States shall ensure that specialised international, non-governmental and civil society organisations and persons providing advice and counselling shall have effective access to third-country nationals in the facilities and locations where the screening takes place, in particular to those held in detention facilities or present at the border crossing points, including transit zones, at external borders.

Member States may decide that the third-country nationals shall reside in a specific place but this shall not result in their detention, particularly when these are unaccompanied children or children in families or persons in situation of vulnerability.

During the screening, detention must be a measure of last resort and must be necessary, reasonable and proportionate to a legitimate aim. If there are grounds to deprive a person of their liberty, alternatives to detention should always be considered first.

Member States shall only use detention subject to EU and national law, on individual basis, following written judicial or administrative decision, as last resort and, when they do, they shall ensure that conditions are in line with Directive 2013/33/EU [Receptions Conditions Directive]. The detention order shall be translated to a language the third-country national concerned can understand.

When it proves necessary and on the basis of an individual assessment, Member States may detain a person undergoing screening who has applied for international protection, if other less coercive alternative measures cannot be applied effectively only on the grounds

spelled out in Article 8(3) of the Directive 2013/33/EU [Reception Conditions Directive].

When it proves necessary and on the basis of an individual assessment, Member States may detain a person undergoing screening who has not applied for international protection, if other less coercive alternative measures cannot be applied. The person shall have access to an effective appeal procedure and to legal advice. Requirements concerning the detention decision and appeal shall comply with Article 9 of the Directive 2013/33/EU [Reception Conditions Directive] and Article 15 of the Directive 2008/115/EC [Return Directive].

Minors and other individuals in a situation of vulnerability shall never be detained.

Or. en

Amendment 448

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. *In the cases referred to in Article 3, the screening shall be conducted at locations situated at or in proximity to the external borders.*

Amendment

1. The screening shall be conducted *in official adequate facilities located within the territory of the Member State that provide access to appropriate services, including legal and linguistic assistance. Third country nationals subject to the screening should have access to appeal procedure, legal advice and free legal aid. Member States shall ensure that specialised international, non-governmental and civil society organisations and persons providing advice and counselling shall have effective access to third-country nationals in the facilities and locations where the screening takes place, in particular to*

those held in detention facilities or present at the border crossing points, including transit zones, at external borders.

Or. en

Amendment 449

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. In the cases referred to in Article 3, the screening shall be conducted at **locations** situated at or in proximity to the external borders.

Amendment

1. In the cases referred to in Article 3, the screening shall be conducted at **a location within the territory of the Member State, including** situated at or in proximity to the external borders, **provided that the relevant provisions laid down in Articles 5, 6, 6a, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 22, 23, 24 of Directive XXX/XXX/EU [Reception Conditions Directive recast] can be applied in these locations. Particular attention shall be paid to specific procedural and reception needs, in line with the Article 20 of that directive. Facilities used for the purposes of screening shall be entirely funded from the Union budget. This shall include the construction, running and renovation of current and future facilities.**

Or. en

Amendment 450

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino, Charlie Weimers

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. In the cases referred to in Article 3, the screening shall be conducted at locations situated at or in proximity to the external borders.

Amendment

1. In the cases referred to in Article 3, the screening shall be conducted at locations situated at or in proximity to the external borders. ***However, in any case the persons under the screening procedure shall not be deemed to be on the territory of a Member State.***

Or. en

Amendment 451

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Persons shall be accommodated in accordance with the standards and provisions of Directive (EU) xxxx/xxxx [Reception Conditions Directive]. During the screening, detention must be a measure of last resort, must be as short as possible and must be necessary, reasonable and proportionate to a legitimate aim. If there are grounds to deprive a person of their liberty, alternatives to detention should always be considered first. Detention should be based on a detention order, translated to the person to a language the person can understand. Minors and other individuals in a situation of vulnerability should never be detained.

Or. en

Amendment 452

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to comply with the provisions of paragraph 1 of this Article, and in addition to representatives of the independent monitoring mechanism foreseen in Article 7, Member States shall ensure that organisations and persons providing advice and counselling, including free legal aid, shall have effective access to third-country nationals, in particular to those held in detention facilities or present at the border crossing points, including transit zones, at external borders.

Or. en

Amendment 453

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Third-country nationals shall not be subject to intrusive biometric surveillance technologies, such as facial recognition, emotional recognition and behavioural recognition software nor predictive analytics, risk assessments and biometric categorisation in the context of border management activities, in or around the reception or screening facilities or during the screening. The use of language recognition software, lie detection systems or long-range acoustic devices shall be prohibited.

Or. en

Amendment 454

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Third-country nationals shall not be subject to intrusive biometric surveillance technologies, such as facial recognition, emotional recognition and behavioural recognition software nor predictive analytics, risk assessments and biometric categorisation in the context of border management activities, in or around the reception or screening facilities or during the screening. The use of lie detection systems or long-range acoustic devices shall be prohibited.

Or. en

Amendment 455

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel

Urbán Crespo, Anne-Sophie Pelletier

on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.

deleted

Or. en

Amendment 456

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.* *deleted*

Or. en

Amendment 457

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

Amendment

2. *In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.* *deleted*

Or. en

Amendment 458

Tineke Strik

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

Amendment

2. *In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.* *deleted*

Or. en

Amendment 459

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.*

deleted

Or. it

Amendment 460

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. *In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.*

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point.

Or. en

Amendment 461

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension ***in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point.*** In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, ***the period of 5 days may be extended by a maximum of an additional 5 days.***

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension. ***Upon the expiry of the 5-day period, the person is to be referred without further delay to the relevant procedure pursuant to Article 14, even if the screening has not been completed, without prejudice to medical and vulnerability checks.*** In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit ***then the screening shall not take place and the third-country nationals shall be directly referred to the normal asylum procedure.***

Or. en

Amendment 462

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. ***In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional***

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. ***Upon the expiry of the five-day period, the person is to be referred without further delay to the relevant procedure pursuant to Article 14, even if the screening has not been completed, without prejudice to medical and vulnerability checks, which shall be continued in the regular procedure.***

5 days.

Or. en

Amendment 463

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. In exceptional *circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.*

Amendment

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. In exceptional *situations, the limit can be extended, if it is necessary for the proper conducting of the screening procedure.*

Or. en

Amendment 464

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State

Amendment

3. In the cases referred to in Article 3 **and 5**, the screening shall be carried out without delay and shall in any case be completed within **14** days from the apprehension in the external border area, the disembarkation in the territory of the

concerned or the presentation at the border crossing point. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of **5** days may be extended by a maximum of an additional **5** days.

Member State concerned or the presentation at the border crossing point. In exceptional circumstances, **such as** where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening **or where it is impossible to conclude the security, vulnerability and the age determination procedure** within that time-limit, the period of **14** days may be extended by a maximum of an additional **14** days.

Or. en

Amendment 465

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. ***In the cases referred to in Article 3***, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension ***in the external border area***, the disembarkation in the territory of the Member State concerned ***or the presentation at the border crossing point***. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.

Amendment

3. The screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension **or** the disembarkation in the territory of the Member State concerned. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.

Or. en

Amendment 466

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. ***In the cases referred to in Article 3***, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension ***in the external border area***, the disembarkation in the territory of the Member State concerned ***or the presentation at the border crossing point***. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.

Amendment

3. The screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension ***or*** the disembarkation in the territory of the Member State concerned. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.

Or. it

Amendment 467

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

With regard to persons referred to in Article 3(1)(a) to whom Article 14 (1) and (3) of Regulation (EU) 603/2013 apply, where they remain physically at the external border for more than 72 hours, the period for the screening shall be reduced to two days.

Amendment

With regard to persons referred to in Article 3(1)(a) to whom Article 14 (1) and (3) of Regulation (EU) 603/2013 apply, where they ***subsequently*** remain physically at the external border for more than 72 hours, the ***screening shall apply and the*** period for the screening shall be reduced to two days.

Or. en

Amendment 468
Tineke Strik

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify the Commission without delay about the exceptional circumstances referred to in paragraph 3. They shall also inform the Commission as soon as the reasons for extending the screening period have ceased to exist. **deleted**

Or. en

Amendment 469

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify the Commission without delay about the exceptional circumstances referred to in paragraph 3. They shall also inform the Commission as soon as the reasons for extending the screening period have ceased to exist. **deleted**

Or. en

Amendment 470

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify the Commission without delay about the **deleted**

exceptional circumstances referred to in paragraph 3. They shall also inform the Commission as soon as the reasons for extending the screening period have ceased to exist.

Or. en

Amendment 471

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Charlie Weimers

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Member States **shall** notify the Commission **without delay** about the exceptional circumstances referred to in paragraph 3. **They shall also inform the Commission as soon as the reasons for extending the screening period have ceased to exist.**

Amendment

4. Member States **may** notify the Commission about the exceptional circumstances referred to in paragraph 3.

Or. en

Amendment 472

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. **The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed within 3 days from apprehension.**

deleted

Amendment

Or. en

Justification

As cases in Article 5 to be covered by Article 6 paragraph 3.

Amendment 473

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed within 3 days from apprehension. *deleted*

Or. en

Amendment 474

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed within 3 days from apprehension. *deleted*

Or. en

Amendment 475

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed *deleted*

within 3 days from apprehension.

Or. en

Amendment 476

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed within 3 days from apprehension.

Amendment

5. The screening referred to in Article 5 shall be carried out without delay and in any case shall be completed within 3 days from apprehension. ***This limit can be extended, if the screening procedure requires it.***

Or. en

Amendment 477

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Member States shall ensure, at all times even during exceptional circumstances, including in emergency situations, that all persons subject to the screening are accorded a standard of living which guarantees their subsistence, protects their physical and mental health and respects their rights under the Charter of Fundamental Rights of the European Union. Persons shall be accommodated with the standards and provisions of Directive (EU) xxx/xxx (Receptions Conditions Directive).

Amendment 478

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 6 – point a

Text proposed by the Commission

(a) preliminary health and vulnerability **check** as referred to in Article 9;

Amendment

(a) preliminary health and vulnerability **checks** as referred to in Article 9;

Or. en

Amendment 479

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 6 – point b

Text proposed by the Commission

(b) identification as referred to in Article 10;

Amendment

(b) identification as referred to in Article 10; ***where an individual claims not to have any nationality or when there are reasonable grounds to believe an individual may be stateless, this should be clearly registered pending a full determination of whether the individual is stateless in a separate procedure;***

Or. en

Amendment 480

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) a preliminary vulnerability check as referred to in Article 9a;

Or. en

Amendment 481

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 6 – point c

Text proposed by the Commission

(c) registration of biometric data in *the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;*

Amendment

(c) registration of biometric data in *accordance with Articles 10, 13 and 14a of Regulation (EU) xxxx/xxxx [Eurodac Regulation];*

Or. en

Amendment 482

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 6 – point c

Text proposed by the Commission

(c) registration of biometric data in *the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;*

Amendment

(c) registration of biometric data in *accordance with Regulation (EU) xxxx/xxxx [Eurodac Regulation];*

Or. en

Amendment 483

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 6 – paragraph 6 – point c

Text proposed by the Commission

(c) registration of biometric data in the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;

Amendment

(c) registration of ***bone data in the event of any doubt over whether an illegal immigrant is in fact a minor and*** biometric data in the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;

Or. fr

Amendment 484

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 6 – paragraph 6 – point c

Text proposed by the Commission

(c) registration of biometric data in the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;

Amendment

(c) registration of biometric ***and DNA*** data in the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet;

Or. en

Amendment 485

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 6 – point d

Text proposed by the Commission

(d) security check as referred to in Article 11;

Amendment

(d) ***a*** security check as referred to in Article 11;

Or. en

Amendment 486

Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation

Article 6 – paragraph 6 – point e

Text proposed by the Commission

Amendment

(e) the filling out of a ***de-briefing*** form as referred to in Article 13;

(e) the filling out of a ***screening*** form as referred to in Article 13;

Or. en

Amendment 487

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 6 – point f

Text proposed by the Commission

Amendment

(f) referral to the appropriate procedure as referred to in Article 14.

(f) referral to the appropriate procedure ***or refusal of entry*** as referred to in Article 14.

Or. en

Amendment 488

Nadine Morano

Proposal for a regulation

Article 6 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The screening of third-country nationals who claim to be minors may also include bone testing with a view to confirming their status as minors and dismissing the most obviously unfounded applications for minor status.

Or. fr

Amendment 489

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 6 – paragraph 7 – introductory part

Text proposed by the Commission

7. Member States shall designate competent authorities ***to carry out the screening***. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way.

Amendment

7. Member States shall designate ***qualified and competent border authorities, including asylum authorities and border police, to carry out the identification and security checks and shall ensure that the staff of those competent authorities have received the appropriate training in accordance with Article 18 of Regulation (EU) XXX/XXX [EU Asylum Agency]***. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way ***and within the foreseen timeframe***.

Or. en

Amendment 490

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 6 – paragraph 7 – introductory part

Text proposed by the Commission

7. Member States shall designate competent authorities to carry out the screening. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way.

Amendment

7. Member States shall designate competent authorities to carry out the screening. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way. ***All the staff of the authorities carrying out the screening shall have the adequate training in order to be fully aware of international human rights and refugee law and the CEAS, to be able to comply with the Fundamental Rights Charter in all proceedings and to be able to identify and treat accordingly persons with special needs. Member States must ensure that staff of the Asylum authorities is involved in the screening so that, even in cases where a third-country national has not***

submitted an official application for international protection, this need can be recognised and that there can be an adequate assessment of the applicability of the concepts of first country of asylum and safe third country.

Or. en

Amendment 491

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 7 – introductory part

Text proposed by the Commission

7. Member States shall designate competent authorities to carry out the screening. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way.

Amendment

7. Member States shall designate competent authorities to carry out the screening. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way. ***Member States shall ensure that competent authorities have been provided with adequate training, including in European migration and asylum law and international human rights and refugee law. Competent authorities shall also be adequately trained to properly identify persons in vulnerable situations and refer them to the appropriate procedure and targeted support.***

Or. en

Amendment 492

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall designate qualified medical staff to carry out the health check

Amendment

Member States shall designate qualified ***and appropriately trained*** medical staff to

provided for in Article 9. National *child protection* authorities *and national anti-trafficking rapporteurs* shall *also be involved, where appropriate*.

carry out the health check provided for in Article 9 *as well as qualified and appropriately trained staff to carry out the vulnerability check provided for in Article 9a*. *In cases of scarce resources, national authorities can apply for financial support from the EU budget*.

Each Member State shall notify the Commission of the authorities listed above. Member States shall inform the Commission of any changes in the identity of such authorities.

Or. en

Amendment 493

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall designate qualified medical *staff* to carry out the health check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs shall also be involved, *where appropriate*.

Amendment

Member States shall designate qualified medical *professionals* to carry out the health check provided for in Article 9 *and always in compliance with Articles 1, 3 and 4 of the EU Charter of Fundamental Rights. Medical professionals shall be trained in order to be able to properly identify vulnerabilities and persons with special needs and to refer them accordingly*. National child protection authorities and national anti-trafficking rapporteurs shall also be involved. *Member states shall also designate trafficking protection officers that would support the early identification of potential victims and ensure their protection*.

Or. en

Amendment 494

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall designate qualified medical **staff** to carry out the health check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs shall also be involved, **where appropriate**.

Amendment

Member States shall designate qualified medical **professionals** to carry out the health check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs shall also be involved.

Or. en

Amendment 495

Nadine Morano

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall designate qualified medical staff to carry out the health check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs shall also be involved, where appropriate.

Amendment

Member States shall designate qualified medical staff to carry out the health check provided for in Article 9 **and the bone testing provided for in Article 6**. National child protection authorities and national anti-trafficking rapporteurs shall also be involved, where appropriate.

Or. fr

Amendment 496

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that a legal guardian is appointed when an unaccompanied minor, or a person

declaring to be an unaccompanied minor, as soon as the screening starts. For the sake of coherence and consistency, and if this is in the best interest of the child, the guardian should remain the same one in the subsequent procedure. National child protection authorities and national anti-trafficking rapporteurs shall also be involved when the screening is undertaken on a minor, whether unaccompanied or not.

Or. en

Amendment 497
Tineke Strik

Proposal for a regulation
Article 6 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The best interests of the child shall be a primary consideration when implementing this Regulation. The “benefit of the doubt” principle in favour of the minor always applies when a person’s age is unclear or contested and no supporting documentation exists that proves his/her age.

Or. en

Amendment 498
Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation
Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authorities *may be assisted or* supported in the performance of the screening by *experts or liaison officers and teams deployed by* the European Border and Coast Guard *Agency* and the

The competent authorities *shall be* supported in the performance of the screening by *members of* the European Border and Coast Guard *Standing Corps* and the [European Union Agency for

[European Union Agency for Asylum]
within the limits of their mandates.

Asylum] *in accordance with point (a) of Article 40(4) of Regulation 2019/1896 on the European Border and Coast Guard and Regulation [...] on the European Union Agency for Asylum.*

Or. en

Amendment 499

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The competent authorities *may* be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates.

Amendment

The proper functioning of screening and its compliance with the Charter of Fundamental Rights inherently depends on the availability of adequate and qualified staff at all stages of the procedure. The competent authorities ***shall therefore*** be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by ***Union bodies, offices and agencies, international organisations and non-governmental organisations, in particular the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates. In particular, this shall be the case when the Member State is faced with a situation of mass influx of persons arriving and where its operational structure and asylum system is overburdened. The Commission should also assist the competent authorities in planning the allocation of qualified staff, with a view to ensuring a level playing field in all Member State. Where a Union body, office or agency deems it necessary to propose support to a specific Member State, that Member State should take due account of that proposal and should be able to accept, amend or reject it.***

Amendment 500

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates.

Amendment

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates, ***insofar as the specific staff has the training and qualifications as set out in the above two subparagraphs.***

The role, powers, tasks, responsibilities and activities, including the processing of personal data, of the two Agencies shall be clearly defined, confined to support tasks, and open to external scrutiny, including via an effective complaints mechanisms and by the independent monitoring mechanism foreseen in Article 7.

Amendment 501

Tineke Strik

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border

Amendment

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border

and Coast Guard Agency and the
[European Union Agency for Asylum]
within the limits of their mandates.

and Coast Guard Agency and the
[European Union Agency for Asylum]
within the limits of their mandates. ***The
tasks and activities performed within the
framework of this Regulation by the
relevant staff of EU agencies shall also be
subject to the monitoring referred to in
Article 7.***

Or. en

Amendment 502

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates.

Amendment

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed ***upon request by the Member State concerned*** by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates.

Or. en

Amendment 503

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Member states shall put in place specific safeguards, such as:

(a) appoint as soon as possible and before the screening starts, a representative when an unaccompanied minor, or a person declaring to be an unaccompanied

minor, is concerned;

(b) always apply the “benefit of the doubt” principle in favour of the minor when a person’s age is unclear or contested and no supporting documentation exists that proves his/her age. Hence, treat as a minor any person regarding whom there are reasons to believe that they are a minor as well as any person declaring to be a minor, unless and until an age assessment or documentation proves otherwise. Age assessment procedures shall take place only when there is a reasonable doubt that the person is not a minor, they shall respect the best interests of the child and primarily use non-medical procedures and, under no circumstances, shall they use forced undressing or genitalia examination;

(c) ensuring that, in addition to the monitoring mechanism referred to Article 7, non-governmental and civil society organisations specialised in child protection shall access to monitor procedures of identification, verification and age assessment;

(d) screenings of unaccompanied children and children with their families are carried out in appropriate facilities for the reception of unaccompanied minors or of families on the territory of Member States, within the mainstream system of protection for minors;

(e) ensure that the statements of minors only form the basis of the de-briefing form if they are assisted by their parent(s) or a representative;

(f) ensure the third-country national concerned can have access to and correct information included in the de-briefing form;

(g) ensure that all third country nationals concerned have access to free legal aid.

Or. en

Amendment 504

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Third country nationals shall be informed of their right to access free legal advice or counselling during the screening and Member States shall enable such access if the third country nationals request so orally or in writing.

Or. en

Amendment 505

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Monitoring of fundamental rights

1. Member States shall adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening.

2. Each Member State shall establish an independent monitoring mechanism

— to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;

— where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;

— to ensure that allegations of non-respect for fundamental rights in relation

to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

Or. en

Amendment 506

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation **Article 7 – paragraph 1**

Text proposed by the Commission

1. Member States shall adopt relevant provisions *to investigate* allegations of non-respect *for* fundamental rights *in relation to the screening*.

Amendment

1. Member States shall adopt relevant provisions *ensuring*:

- constant monitoring and assessment of fundamental rights compliance of border management activities in their territories or by their authorities, including border surveillance, screening, asylum and

return procedures,

- prompt investigation of all allegations of non-respect *of* fundamental rights,

- prosecution at all instances in which such allegations are substantiated by independent fact-finding,

- penalising violations of fundamental rights, including those of irregular migrants, with proportionate, effective and dissuasive sanctions.

Or. en

Amendment 507

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt relevant provisions *to* investigate allegations of non-respect for fundamental rights *in relation to the screening*.

Amendment

1. Member States shall adopt relevant provisions *and measures to constantly monitor and assess fundamental rights compliance of border management activities in their territories or by their authorities, to promptly and effectively* investigate *all* allegations of non-respect for fundamental rights *and to prosecute all instances in which such allegations are substantiated by independent fact-finding*.

Or. en

Amendment 508

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt relevant provisions to investigate allegations of

Amendment

1. Member States shall adopt relevant provisions to investigate allegations of

non-respect for fundamental rights *in relation to the* screening.

non-respect for fundamental rights *during border surveillance*, screening, *all asylum and return procedures as well as in situations of crisis in the field of migration and asylum*. They shall draw up clear and proportionate disciplinary measures under national law in case allegations prove to be true.

Or. en

Amendment 509

Abir Al-Sahlani, Jan-Christoph Oetjen, Dragoş Tudorache, Hilde Vautmans

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening.

Amendment

1. Member States shall, **without undue delay**, adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening.

Or. en

Amendment 510

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Member States **shall** adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening.

Amendment

1. Member States **can** adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening.

Or. en

Amendment 511

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall establish an independent monitoring mechanism *deleted*

— to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;

— where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;

— to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

Or. fr

Amendment 512
Charlie Weimers, Laura Huhtasaari

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall establish an independent monitoring mechanism **deleted**

— to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;

— where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;

— to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

Or. en

Amendment 513

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. *Each* Member State shall *establish an independent* monitoring mechanism

Amendment

2. *A* Member State shall *be free to establish a* monitoring mechanism *outside of their screening procedure at borders.*

Or. fr

Amendment 514

Tomas Tobé, Lena Düpont, Karlo Ressler, Jeroen Lenaers

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State shall *establish* an independent monitoring mechanism

Amendment

2. Each Member State shall *provide* an independent monitoring mechanism, *to complement and assist the monitoring undertaken by the European Asylum Agency in accordance with Article 14 of Regulation (EU) xxx/xxx [European Asylum Agency].*

Or. en

Amendment 515

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State shall *establish* an independent monitoring mechanism

Amendment

2. *For the purposes of paragraph 1,* each Member State shall *task* an

independent monitoring mechanism **with**

Or. en

Amendment 516
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State shall **establish** an independent monitoring mechanism

Amendment

2. Each Member State shall **provide for** an independent monitoring mechanism.

Or. en

Amendment 517
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State shall establish an independent monitoring mechanism

Amendment

2. ***In this context***, each Member State shall establish an independent monitoring mechanism ***which will perform the following tasks:***

Or. en

Amendment 518
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – indent -1 (new)

Text proposed by the Commission

Amendment

-1 monitor, in coordination with the Fundamental Rights Officer where relevant, on an on-going basis border

control and border surveillance activities performed by national authorities or relevant EU agencies in its territories, as well as all such activities performed by national authorities outside its territories and assess if the activities observed are compliant with applicable national law, EU law and international law;

Or. en

Amendment 519

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent -1 (new)

Text proposed by the Commission

Amendment

-1 monitoring on an on-going basis, including during emergency situations, all border management activities in its territories; whether performed by national authorities or relevant EU agencies, as well as any such activities performed by national authorities outside its territories,

Or. en

Amendment 520

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent -1 (new)

Text proposed by the Commission

Amendment

-1 assessing if the activities observed are compliant with applicable national, Union and international law,

Or. en

Amendment 521
Balázs Hidvéghi, Loránt Vincze

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

Text proposed by the Commission

Amendment

— *to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;* *deleted*

Or. en

Amendment 522
Charlie Weimers, Laura Huhtasaari

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

Text proposed by the Commission

Amendment

— *to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;* *deleted*

Or. en

Amendment 523
Tineke Strik

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

Text proposed by the Commission

Amendment

— *to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;*

— *monitor and assess compliance of the screening, asylum and return procedures with EU and international law;*

Or. en

Amendment 524

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 1

Text proposed by the Commission

— *to ensure* compliance with *EU* and international law, including the Charter of Fundamental Rights, during *the* screening;

Amendment

— *ensuring* compliance with *national, Union* and international law, including the Charter of Fundamental Rights, during *border surveillance*, screening, *asylum, return and border procedures*,

Or. en

Amendment 525

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 7 – paragraph 2 – indent 1

Text proposed by the Commission

— to ensure compliance with EU and international law, *including* the Charter of Fundamental Rights, during the screening;

Amendment

— to ensure compliance with EU and international law *and* the Charter of Fundamental Rights *on restrictive measures taken to ensure that the third country national remains at the disposal of the screening authorities* during the screening.

Or. en

Amendment 526

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

— to ensure compliance with EU and international law, including the Charter of Fundamental Rights, ***during the screening***;

— to ensure compliance with EU and international law, including the Charter of Fundamental Rights;

Or. en

Amendment 527

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***ensuring that allegations of non-respect for fundamental rights, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.***

Or. en

Amendment 528

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 7 – paragraph 2 – indent 2

Text proposed by the Commission

Amendment

— ***where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;***

deleted

Or. en

Amendment 529

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Furlas

**Proposal for a regulation
Article 7 – paragraph 2 – indent 2**

Text proposed by the Commission

Amendment

— *where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;*

deleted

Or. en

**Amendment 530
Balázs Hidvéghi, Loránt Vincze**

**Proposal for a regulation
Article 7 – paragraph 2 – indent 2**

Text proposed by the Commission

Amendment

— *where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;*

deleted

Or. en

**Amendment 531
Tineke Strik**

**Proposal for a regulation
Article 7 – paragraph 2 – indent 2**

Text proposed by the Commission

Amendment

— *where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;*

deleted

Or. en

Amendment 532

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 2

Text proposed by the Commission

— where applicable, *to ensure* compliance with national rules on detention of *the person concerned*, in particular concerning the grounds *and* the duration of the detention;

Amendment

— where applicable, *ensuring* compliance with national *and Union* rules on detention of *migrants*, in particular concerning the grounds, *the necessity and proportionality as well as* the duration, *the conditions, including access to free legal aid*, of the detention

Or. en

Amendment 533

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – indent 2

Text proposed by the Commission

— where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;

Amendment

— where applicable, to ensure compliance with *Union and* national rules on detention of the person concerned, in particular concerning the grounds, *conditions* and the duration of the detention;

Or. en

Amendment 534

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *reporting publicly on all cases of non-compliance it may find,*

Or. en

Amendment 535

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

Amendment

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

deleted

Or. en

Amendment 536

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

Amendment

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

deleted

Or. en

Amendment 537

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

Amendment

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

deleted

Or. en

Amendment 538

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

Amendment

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

deleted

Or. en

Amendment 539

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

Amendment

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

— *triggering and conducting investigations to assess the violation of fundamental rights,*

Or. en

Amendment 540

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

— to ensure that allegations of non-respect for fundamental rights ***in relation to the screening***, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.

Amendment

— to ensure that allegations of non-respect for fundamental rights, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, ***the best interest of the child, right to health care, data protection and reception conditions*** are dealt with effectively and without undue delay. ***Access to justice for affected individuals shall be clarified.***

Or. en

Amendment 541

Tomas Tobé, Lena Düpont, Karlo Ressler, Jeroen Lenaers

Proposal for a regulation

Article 7 – paragraph 2 – indent 3

Text proposed by the Commission

— to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with ***effectively*** and

Amendment

— to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are ***properly investigated, and***

without undue delay.

where applicable, dealt with *adequately* and without undue delay.

Or. en

Amendment 542
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – indent 3 b (new)

Text proposed by the Commission

Amendment

- *reporting publicly on all cases of non-compliance it may find;*

Or. en

Amendment 543
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 7 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

- *handing over to the national prosecuting authorities all evidence it has been able to gather on individual cases of fundamental rights breaches,*

Or. en

Amendment 544
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – indent 3 d (new)

Text proposed by the Commission

Amendment

- *handing over to the relevant*

prosecutorial authorities all evidence it has been able to gather on individual cases of fundamental rights breaches.

Or. en

Amendment 545

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – indent 3 c (new)

Text proposed by the Commission

Amendment

- *monitoring the effectiveness of prosecutions into and, if appropriate, the sanctioning of violations of fundamental rights of migrants.*

Or. en

Amendment 546

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

-1 The independent monitoring mechanism shall issue recommendations to Member States and EU agencies as referred to in paragraph 2, and report annually and publicly on its findings and recommendations. The findings of the independent monitoring mechanism shall be made available to the relevant Member State authorities for subsequent investigations and prosecution of human rights' violations. Member State authorities shall ensure prompt and effective follow-up to the recommendations, and inform the monitoring mechanism accordingly.

Amendment 547

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

-1 Monitoring shall apply to national authorities as well as any EU agencies and bodies involved in the above mentioned procedures. Member States shall invite relevant and independent national, international and non-governmental organisations and bodies, including data protection authorities, to actively participate in the monitoring. Member States shall give the monitoring authorities unhindered access to relevant documents and facilities.

Or. en

Amendment 548

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

-1 The independent monitoring mechanisms shall issue recommendations to Member States and EU agencies as referred to in paragraph 1 of this Article, and shall report annually and publicly to the national parliaments on their findings and recommendations and on the measures taken to implement their recommendations.

Amendment 549
Balázs Hidvéghi, Loránt Vincze

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

Text proposed by the Commission

Amendment

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

deleted

Or. en

Amendment 550
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

Member States shall *put in place adequate safeguards to guarantee the independence* of the mechanism.

Member States shall *ensure that the independent monitoring mechanism can carry out its work ensuring, as a minimum, the recommendations of the European Committee for the Prevention of Torture (CPT). In particular, Member States and, where appropriate the relevant EU agencies, shall ensure that the independent monitoring mechanism is at all times:*

- able to receive and act upon information received from international organisations, non-governmental organisations, journalists, EU agencies and institutions even if they are not part of the mechanism, and all affected individuals even if they are not present in the respective Member State or in EU territory,*
- granted unhindered access to any location and area, including blue and*

green borders as well as police stations, detention and reception facilities, which it considers relevant for fulfilling its mandate, to perform periodic, unlimited in number and unrestricted announced as well as unannounced visits,

- granted access to all equipment used in the context of border management and receive information on its use,

- granted access to all documents, files and recordings of relevance to its mission and be allowed to make or receive copies even of those for which they have to ensure due confidentiality,

- able to receive complaints from individuals who allege violations of their fundamental rights, or their representatives, regardless of the timing of the alleged incidents or the location of the individual at the time of the complaint,

- has the power to have unhindered access and hear witnesses all individuals who allege having witnessed violations of fundamental rights or who allege violation of their fundamental rights, in full respect of confidentiality.

Or. en

Amendment 551
Tineke Strik

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

Text proposed by the Commission

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

Amendment

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism, ***including by ensuring that national human rights organisations, ombudspersons, independent non-governmental or civil society organisations and international***

organisations are part of the monitoring system.

Where independent national human rights bodies with legal or constitutional mandates that cover border management activities exist, such as national Ombudsman institutions, National Human Rights Institutions or National Preventive Mechanisms against torture set up pursuant to the Optional Protocol to the UN Convention Against Torture, these bodies could already be designated as the independent monitoring mechanism for the purposes of paragraph 2. They should invite relevant national, international, and non-governmental organisations and bodies to participate in the monitoring.

Where no such bodies exist, Member States shall set them up, taking fully into account the international instruments that govern those institutions and safeguard their independence, namely the Paris Principles 1, the Venice Principles 2, the UN General Assembly Resolution of 2020 on the role of Ombudsman 3, and the OPCAT 4, with the support of the Fundamental Rights Agency.

Or. en

Amendment 552

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

Amendment

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism, ***in line with criteria recognised under relevant international human rights law and standards. These safeguards shall include selecting independent relevant national and***

international actors, including at least one representative from the Fundamental Rights Agency (FRA) and one representative from the EU Ombudsman or national ombudspersons, to review the independence of the mechanism on an annual basis and report back to the Commission, the Council and the European Parliament.

Or. en

Amendment 553

Tomas Tobé, Lena Düpont, Karlo Ressler, Jeroen Lenaers

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

Amendment

Member States shall *establish a monitoring mechanism or designate an existing mechanism and* put in place adequate safeguards to guarantee the independence of the mechanism.

Or. en

Amendment 554

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring

Amendment

deleted

methodology and appropriate training schemes.

Or. fr

Amendment 555

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

deleted

Or. en

Amendment 556

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring

deleted

methodology and appropriate training schemes.

Or. en

Amendment 557

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency *shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.*

Amendment

The Fundamental Rights Agency, *being in favour of mass immigration into Europe, shall refrain from giving any advice to Member States.*

Or. fr

Amendment 558

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. *Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring*

Amendment

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning.

methodology and appropriate training schemes.

Or. en

Amendment 559

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency shall issue *general* guidance for Member States on the *setting up of such* mechanism and its independent functioning. Furthermore, *Member States may request* the Fundamental Rights Agency *to* support *them in developing* their *national monitoring mechanism, including* the safeguards for independence of *such* mechanisms, as well as the monitoring methodology and appropriate training schemes.

Amendment

Building on the framework provided for in this Article, the Fundamental Rights Agency shall issue guidance for Member States on the ***establishment of a monitoring*** mechanism and its independent functioning. Furthermore, the Fundamental Rights Agency ***shall*** support ***Member States in*** their ***development and implementation of*** the safeguards for independence of ***the monitoring*** mechanisms, as well as the monitoring methodology and appropriate training schemes.

Or. en

Amendment 560

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States *may* request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the

Amendment

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States ***should*** request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the

safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Or. en

Amendment 561

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Amendment

Without prejudice to the provisions of the previous paragraphs of this Article, the Fundamental Rights Agency shall issue general guidance for Member States on the setting up of such mechanism and its independent functioning. Furthermore, Member States may request the Fundamental Rights Agency to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Or. en

Amendment 562

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where independent national human rights bodies with legal or constitutional

mandates that cover border management activities exist, such as national Ombudsman institutions, National Human Rights Institutions or National Preventive Mechanisms against torture set up pursuant to the Optional Protocol to the UN Convention Against Torture, these bodies shall be designated as the independent monitoring mechanism for the purposes of this Article. They shall invite relevant national, international, and non-governmental organisations and bodies, civil society organisations and human defenders to participate in the creation of the mechanism and to implement its tasks as described in this Article.

Where no such bodies exist, Member States shall set them up, taking fully into account the international instruments that govern those institutions and safeguard their independence, namely the Paris Principles^{1a}, the Venice Principles^{2a}, the UN General Assembly Resolution of 2020^{3a} on the role of Ombudsman and the OPCAT^{4a}, with the support of the Fundamental Rights Agency.

In all cases, the components for the creation and implementation of the tasks of the independent monitoring mechanism shall be selected in a transparent and accountable manner, including through a public tender.

^{1a} Principles relating to the Status of National Institutions (The Paris Principles), Adopted by UN General Assembly Resolution 48/134 of 20 December 1993 (A/RES/48/134).

^{2a} European Commission for Democracy through Law (Venice Commission); Principles on the Protection and Promotion of the Ombudsman Institution (The Venice Principles), 2019, CDL-AD (2019) 005.

^{3a} UN General Assembly Resolution on The role of Ombudsman and mediator

institutions in the promotion and protection of human rights, good governance and the rule of law 2020, A/RES/75/186.

^{4a} Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199 entered into force on 22 June 2006.

Or. en

Amendment 563
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The work of the independent monitoring mechanisms shall contribute to the assessment of the effective application and implementation of the Charter of Fundamental Rights according to Article 15(1) and Annex III of Regulation (EU) 2021/1060 (Common provisions Regulation).

Or. en

Amendment 564
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

Once the independence and effective functioning of the mechanism has been verified according to guidance developed by the Fundamental Rights Agency, the

mechanism should receive adequate funding from the Integrated Border Management Fund's Instrument for Financial Support for Border Management and Visa Policy (BMVI) and other EU funding sources. In this case, the functioning and effectiveness of the monitoring mechanism, including the fulfilment of the criteria on independence of the mechanism, shall be included in the national programming criteria and the mid-term review of these funds.

Or. en

Amendment 565
Tineke Strik

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

The independent monitoring mechanism shall, in particular:

- receive and act upon information available in the public domain and/or information from international organisations, non-governmental organisations, journalists, EU agencies and institutions and affected individuals, even if these individuals are not present in the respective Member State;***
- be granted unhindered access to any location, including blue and green borders as well as detention and reception facilities, which it considers relevant for fulfilling its mandate, and be able to perform periodic announced and unannounced visits;***
- be granted access to all documents and records of relevance to its mission and be allowed to make or receive copies of which they have to ensure due confidentiality;***
- be able to receive complaints from***

victims of potential fundamental rights' violations, or their representatives, to be addressed to the competent national judicial authority;

- have the power to hear witnesses and alleged victims of fundamental rights' violations, in full respect of confidentiality.

Or. en

Amendment 566

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

deleted

Or. fr

Amendment 567

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

deleted

Or. en

Amendment 568

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

deleted

Or. en

Amendment 569

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

deleted

Or. en

Amendment 570

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

Civil Society Organisations, which may not be at the moment part of the independent monitoring mechanism, shall be able to alert of potential violations, providing evidence and reports, referring individuals, and representing or filing complaints on their behalf, regardless if at the time the complainants are on the

Member State's territory.

Or. en

Amendment 571

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States may *invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.*

Amendment

Member States may *prevent non-governmental organisations from participating in the monitoring of the screening procedure for migrants seeking to enter the European Union.*

Or. fr

Amendment 572

Nadine Morano

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States may invite relevant national, international and non-governmental organisations and bodies to *participate in* the monitoring.

Amendment

Member States may invite relevant national, international and non-governmental organisations and bodies to *assist with* the monitoring.

Or. fr

Amendment 573

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 a (new)

In order to monitor compliance with fundamental rights a specific independent complaint mechanism shall be set up by the involved national and international authorities and bodies, for third-country nationals, including the ones who have not been granted the right to enter the territory, are at risk of being returned and/or have been returned to a third country. Such a mechanism shall include a 24/7 hotline that can be accessed by persons in order to prevent further fundamental rights abuses, notably in case a person would be at risk of being arbitrarily returned to a third country. In Member States where such a complaint mechanism already exists within independent national human rights mechanisms then they could be used instead of setting up a new one. The staff of this mechanism, including those operating the hotline, shall not be criminalised by Member States on the grounds of their work therein.

Or. en

Amendment 574

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 a (new)

The Member States shall develop an effective and accessible complaint procedure available at borders, the existence of which is widely known, including in their neighbouring countries. They shall ensure the investigation of all allegations of breaches of fundamental rights during border surveillance, the screening, asylum and return procedures, in compliance with the requirements of the right to good administration, as

general principle of EU law, and Article 47 of the Charter. Complaints have to be dealt with promptly, impartially, effectively, by independently acting persons, where victims are heard and sufficiently involved. The investigation must be capable of leading to rectification and compensation, as well as to the identification and prosecution of those responsible in an appropriate manner.

Or. en

Amendment 575

Abir Al-Sahlani, Jan-Christoph Oetjen, Dragoş Tudorache, Hilde Vautmans

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Member States shall, on an annual basis, report back to the Commission, the Council and the European Parliament on potential allegations of non-respect for fundamental rights in relation to the screening process, if any.

Or. en

Amendment 576

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

If needed, the mechanism should be able to receive funding via the Integrated Border Management Fund (IBMF) or any other relevant EU fund.

Or. en

Amendment 577

Tineke Strik

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

The independent monitoring mechanism shall act in synergy with other EU fundamental rights' monitoring instruments such as, in particular, those provided by Articles 109, 110 and 111 of Regulation (EU) 2019/1896 (European Border and Coast Guard Regulation), the monitoring mechanism for the purpose of monitoring the operational and technical application of the Common European Asylum System (CEAS) as set out in Article 14 of Regulation (EU) xxxx/xxxx [EU Asylum Agency Regulation] and by Regulation (EU) xxxx/xxxx [Schengen evaluation and monitoring mechanism Regulation]. Observations, recommendations or opinions by the Frontex fundamental rights monitors and reports of serious incidents related to non-compliance with fundamental rights shall be shared between the independent monitoring mechanism and monitoring bodies of EU agencies.

The independent monitoring mechanism is without prejudice to the mandates of existing monitoring bodies operating at the EU and international level.

Or. en

Amendment 578

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

Member States shall provide information, in writing and orally, about the mechanism to potentially affected individuals in a concise, transparent, intelligible and easily accessible form, using clear and plain language that the affected individual understands.

Or. en

Amendment 579

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 c (new)

Text proposed by the Commission

Amendment

Once the independence and appropriate powers of the mechanism verified by the Fundamental Rights Agency, the mechanism shall receive funding from the Integrated Border Management Fund: Instrument for financial support for border management and visa (BMVI) and other EU funding sources and shall be financially independent from the member State in which it operates.

Or. en

Amendment 580

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3 d (new)

Text proposed by the Commission

Amendment

The mechanism shall, every year, publicly

report on its findings and recommendations, including on steps taken to hold those responsible of violations of fundamental rights to account. These reports shall contribute to the assessment of compliance with the EU Charter of Fundamental Rights as per Regulation (EU) 2018/0196 (Common Provisions Regulation) Article 11(1) and Annex III.

Or. en

Amendment 581
Tineke Strik

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Data Protection

- 1. Regulation (EU) 2016/679, Regulation 2018/1725 and, where relevant, Directive 2018/680 shall apply to the processing of personal data carried out when implementing this Regulation.*
- 2. Member States shall consult the national supervisory authority established pursuant to Article 51 of Regulation 2016/679 on the protection of the rights to data protection and privacy concerning their border management activities and the implementation of the screening under this Regulation annually. The national supervisory authority will publish their assessments annually.*
- 3. The EDPB and EDPS may issue guidelines on the collection and processing of data for the purpose of this Regulation.*
- 4. Member States will annually publish the number of data subject requests received and data notices provided under Regulation (EU) 2016/679 in the context*

Amendment 582

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Third-country nationals subject to the screening ***shall be succinctly informed*** about ***the*** purpose and ***the*** modalities ***of the screening***:

Amendment

1. ***Member States shall inform, in a clear and comprehensive manner in a language they understand, all*** third-country nationals subject to the screening about ***its*** purpose, ***duration*** and modalities ***as well as of their rights, such as***:

Amendment 583

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Third-country nationals subject to the screening ***shall be succinctly informed*** about the purpose ***and the*** modalities of the screening:

Amendment

1. ***Competent authorities shall inform*** third-country nationals subject to the screening about the purpose, modalities ***and duration*** of the screening ***and on the right to seek asylum, in particular***:

Amendment 584

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Third-country nationals subject to the screening shall be succinctly informed about the purpose and the modalities of the screening;

Amendment

1. Third-country nationals subject to the screening shall be succinctly **and adequately** informed about the purpose and the modalities of the screening;

Or. en

Amendment 585
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) the steps **and** modalities of the screening as well as possible outcomes of the screening;

Amendment

(a) the steps, **purpose, duration and the** modalities of the screening as well as possible outcomes of the screening;

Or. en

Amendment 586
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) the steps **and** modalities of the screening as well as possible outcomes of the screening;

Amendment

(a) the steps, **purpose, modalities and duration** of the screening as well as possible outcomes of the screening;

Or. en

Amendment 587
Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-

Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) the steps and modalities of the screening as well as possible outcomes of the screening;

Amendment

(a) the steps and modalities of the screening as well as possible outcomes of the screening, ***in particular their right to apply for international protection or other forms of protection applicable in national law.***

Or. en

Amendment 588

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) the rights and obligations of third country nationals during the screening, ***including the obligation on them to remain in the designated facilities during the screening.***

Amendment

(b) the rights and obligations of third country nationals during the screening;

Or. en

Amendment 589

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) the rights and obligations of third country nationals during the screening, ***including the obligation on them to remain in the designated facilities during***

Amendment

(b) the rights and obligations of third country nationals during the screening.

the screening.

Or. en

Amendment 590

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) the rights and obligations of third country nationals during the screening, including the obligation on them to remain in the designated facilities during the screening.

Amendment

(b) the rights and obligations of third country nationals during the screening, including the ***possibility to contact and be contacted by organisations which provide information and legal assistance as referred to in Article 8(4) as well as the*** obligation on them to remain in the designated facilities during the screening.

Or. en

Amendment 591

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) on their right to contact and be visited by organisations, bodies, and individuals, as referred to in Article 8 which provide information and legal assistance and on their right to contact the monitoring mechanism foreseen in Article 7;

Or. en

Amendment 592

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the possibility and modalities to apply for international protection, or other forms of protection as applicable in national law, as well as the procedures that follow the making of an application for international protection;

Or. en

Amendment 593

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(b b) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned;

Or. en

Amendment 594

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(b b) their right and the modalities to be

reunified with a family member or relative present on the territory of another Member State;

Or. en

Amendment 595

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(b c) their right and the modalities to apply for international protection or other forms of protection according to national law as well as the relocation procedure under the automatic distribution mechanism established by Regulation (EU) XXX/XXX[Asylum and Migration Management];

Or. en

Amendment 596

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(b c) the obligation for irregularly staying third-country nationals to return in accordance with Directive XXXXX [Return Directive];

Or. en

Amendment 597

Tineke Strik

Proposal for a regulation
Article 8 – paragraph 1 – point b d (new)

Text proposed by the Commission

Amendment

(b d) the possibilities to enrol in a programme providing logistical, financial and other material or in-kind assistance for the purpose of supporting voluntary departure;

Or. en

Amendment 598
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 1 – point b e (new)

Text proposed by the Commission

Amendment

(b e) the conditions of participation in relocation in accordance with Article XX of Regulation (EU) No XXX/XXX [ex-Dublin Regulation];

Or. en

Amendment 599
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 1 – point b f (new)

Text proposed by the Commission

Amendment

(b f) the information referred to in Article 13 of Regulation (EU) 2016/679 [GDPR];

Or. en

Amendment 600

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b g (new)

Text proposed by the Commission

Amendment

(b g) the purposes for taking biometric data, and the complete list of relevant national and Union databases that the competent authority will query in accordance with Articles 10 and 11;

Or. en

Amendment 601

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b h (new)

Text proposed by the Commission

Amendment

(b h) information on the right to rectify and supplement information;

Or. en

Amendment 602

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b i (new)

Text proposed by the Commission

Amendment

(b i) the possibility to contact and be visited by organisations, bodies, and individuals, as referred to in Articles 6(1) and 8(4) which provide information and legal assistance;

Or. en

Amendment 603

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 1 – point b j (new)

Text proposed by the Commission

Amendment

(b j) the applicable rules on the conditions of stay for third-country nationals in accordance with national law and the related residence procedures of the Member State.

Or. en

Amendment 604

Tineke Strik

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. During the screening, they shall also, as appropriate, receive information on:

deleted

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned, to the extent this information has not been given already;

(b) where they have applied, or there are indications that they wish to apply, for international protection, information on the obligation to apply for international protection in the Member State of first entry or legal stay set out in Article [9(1) and (2)] of Regulation (EU) No XXX/XXX [ex-Dublin Regulation], the consequences of non-compliance set out in Article [10(1)] of that Regulation, and the information set out in Article 11 of that Regulation as well as on the

procedures that follow the making of an application for international protection;

(c) the obligation for illegally staying third-country nationals to return in accordance with Directive XXXXX [Return Directive];

(d) the possibilities to enrol in a programme providing logistical, financial and other material or in-kind assistance for the purpose of supporting voluntary departure;

(e) the conditions of participation in relocation in accordance with Article XX of Regulation (EU) No XXX/XXX [ex-Dublin Regulation];

(f) the information referred to in Article 13 of the Regulation (EU) 2016/679³⁵ [GDPR].

³⁵ *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016*

Or. en

Amendment 605

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. *During* the screening, *they* shall also, as appropriate, receive information on:

Amendment

2. *At the beginning of* the screening, *Member States* shall provide clear information *in a language that each person subject to screening understands,*

on:

Or. en

Amendment 606

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned, ***to the extent this information has not been given already;***

Amendment

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned;

Or. en

Amendment 607

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned, ***to the extent this information has not been given already;***

Amendment

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned;

Or. en

Amendment 608

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino, Charlie Weimers

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, ***stay and residence*** of the Member State concerned, to the extent this information has not been given already;

Amendment

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry of the Member State concerned, to the extent this information has not been given already;

Or. en

Amendment 609

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) ***where they have applied, or there are indications that they wish to apply, for international protection***, information on the obligation to apply for international protection in the Member State of first entry or legal stay set out in Article [9(1) and (2)] of Regulation (EU) No XXX/XXX [ex-Dublin Regulation], the consequences of non-compliance set out in Article [10(1)] of that Regulation, and the information set out in Article 11 of that Regulation as well as on the procedures that follow the making of an application for international protection;

Amendment

(b) information on the obligation to apply for international protection in the Member State of first entry or legal stay set out in Article [9(1) and (2)] of Regulation (EU) No XXX/XXX [ex-Dublin Regulation], the consequences of non-compliance set out in Article [10(1)] of that Regulation, and the information set out in Article 11 of that Regulation as well as on the procedures that follow the making of an application for international protection;

Or. en

Amendment 610

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) the obligation for ***illegally staying*** third-country nationals to return in accordance with Directive XXXXX [Return Directive];

Amendment

(c) the obligation for third-country nationals, ***where appropriate***, to return in accordance with Directive XXXXX [Return Directive];

Or. en

Amendment 611

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Charlie Weimers

Proposal for a regulation

Article 8 – paragraph 2 – point e

Text proposed by the Commission

(e) ***the conditions of participation in relocation in accordance with Article XX of Regulation (EU) No XXX/XXX [ex-Dublin Regulation]***;

Amendment

deleted

Or. en

Amendment 612

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) the ***information*** referred to in Article 13 of the Regulation (EU) 2016/679³⁵ [GDPR].

Amendment

(f) the ***rights*** referred to in Article 13 ***and 15 to 19 included*** of the Regulation (EU) 2016/679³⁵ [GDPR], ***in Article 13 of***

the Directive (EU) 2016/680 [Police Directive] and in Article 15 of the Regulation (EU) 2018/1725.

³⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016

³⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016

Or. en

Amendment 613
Nadine Morano

Proposal for a regulation
Article 8 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) bone testing to confirm or annul minor status.

Or. fr

Amendment 614
Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given in writing and, in exceptional circumstances, where necessary, orally using interpretation services. ***It shall be***

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given in writing and, in exceptional circumstances, where necessary, orally using interpretation services.

provided in an appropriate manner taking into account the age and the gender of the person.

Or. en

Amendment 615

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation **Article 8 – paragraph 3**

Text proposed by the Commission

3. The information provided during the screening shall be given in a language which the third-country national understands *or is reasonably supposed to understand*. The information shall be given in writing and, *in exceptional circumstances, where necessary*, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

Amendment

3. The information provided during the screening shall be given in a language *and a format* which the third-country national understands. The information shall be given in writing and orally using interpretation services *and clear language, including with the support of adequately trained cultural mediators*. It shall be provided in an appropriate manner taking into account the age and the gender of the person, *by appropriately trained professionals and at the presence of the representative appointed pursuant to Article 9a in case of unaccompanied minors*.

Or. en

Amendment 616

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation **Article 8 – paragraph 3**

Text proposed by the Commission

3. The information provided during the screening shall be given in a language which the third-country national

Amendment

3. The information provided during the screening shall be given in a language *and format* which the third-country

understands *or is reasonably supposed to understand*. The information shall be given in writing and, *in exceptional circumstances, where necessary*, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

national understands. The information shall be given in writing and orally using interpretation services *where necessary*. It shall be provided in an appropriate manner taking into account the age and the gender of the person. *When the person is a child, information shall be provided in a child-friendly manner.*

Or. en

Amendment 617
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The information provided during the screening shall be given in a language which the third-country national understands *or is reasonably supposed to understand*. The information shall be given in writing and, *in exceptional circumstances, where necessary*, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

Amendment

3. The information provided during the screening shall be given in a language which the third-country national understands. The information shall be given in writing and orally using interpretation services, *including by relying on cultural mediators adequately trained*. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

Or. en

Amendment 618
Charlie Weimers, Laura Huhtasaari

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given

Amendment

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given

in writing *and, in exceptional circumstances*, where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

in writing *or* where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

Or. en

Amendment 619
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given in writing and, in exceptional circumstances, where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age *and the gender* of the person.

Amendment

3. The information provided during the screening shall be given in a language which the third-country national understands or is reasonably supposed to understand. The information shall be given in writing and, in exceptional circumstances, where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age of the person.

Or. en

Amendment 620
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Information to children shall be provided in a child-friendly manner, in both written and oral forms by appropriately trained staff, and at the presence of the representative appointed pursuant to Article 9a in case of unaccompanied minors.

Amendment 621

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. For those third-country nationals seeking international protection, this information may be provided at the same time as the information as laid down in Article 8(2) of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation].

The responsible authorities shall make the necessary arrangements for interpretation services and, where necessary and appropriate, for cultural mediation services to be available to facilitate access to the procedure for international protection.

Amendment 622

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

deleted

Amendment 623
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. *Member States may authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.*

deleted

Or. en

Amendment 624
Tineke Strik

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States *may* authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information *under this article* during the screening *according to the provisions established by national law*.

4. Member States *shall* authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information *and assistance* during the screening.

Or. en

Amendment 625
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. Member States **may** authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

Amendment

4. Member States **shall** authorise relevant and competent national, international and non-governmental organisations and bodies **and human rights defenders to access the relevant facilities in order** to provide third country nationals, **in safe and appropriate conditions**, with information under this article during the screening according to the provisions established by national law.

Or. en

Amendment 626

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. Member States **may** authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

Amendment

4. Member States **shall** authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article **and legal advice** during the screening according to the provisions established by national law.

Or. en

Amendment 627

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may authorise relevant and competent national, ***international and non-governmental organisations and*** bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

4. Member States may authorise relevant and competent national bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

Or. en

Amendment 628

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. Member States may authorise relevant and competent national, international ***and non-governmental organisations and*** bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

Amendment

4. Member States may authorise relevant and competent national ***and*** international bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

Or. en

Amendment 629

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Right to information and rectification

1. Third-country nationals subject to the screening will receive a copy of all personal data processed and information

registered about them under this Regulation in electronic form and on paper directly after the screening procedure. Third-country nationals will have the right to obtain another copy of all personal data processed and information registered about them under this Regulation for as long as the information is stored.

2. Third-country nationals subject to the screening shall have the right to know the exact retention period of all their stored and processed data, included in the form or its Annex. In addition, they shall have the right to rectify or supplement the personal data collected during the screening procedure or any information they have supplied during the screening procedure, particularly those referred to in Articles 10 and in the debriefing form in Article 13 of this Regulation.

Or. en

Amendment 630
Tineke Strik

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Right to information and rectification

1. Third-country nationals subject to the screening will receive a copy of all personal data processed and information registered about them under this Regulation in electronic form and on paper directly after the screening procedure. Third-country nationals will have the right to obtain another copy of all personal data processed and information registered about them under this Regulation for as long as the information is stored.

2. Third-country nationals subject to the screening shall have the right to rectify or supplement the personal data collected during the screening procedure or any information they have supplied during the screening procedure, particularly those referred to in Articles 10 and 13 of this Regulation.

Or. en

Amendment 631

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Amendment

Health checks *and vulnerabilities*

Preliminary health checks

Or. en

Amendment 632

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Third-country nationals submitted to the screening ***referred to in Article 3*** shall be subject to a preliminary medical examination with a view to identifying any needs for ***immediate*** care or isolation on public health grounds, ***unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical***

1. ***All*** third-country nationals submitted to the screening shall be subject to a preliminary medical examination ***by qualified and adequately trained medical professionals*** with a view to identifying any needs for ***health*** care or isolation on public health grounds.

screening is necessary. In that case, they shall inform those persons accordingly.

Or. en

Amendment 633

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination with a view to identifying any needs for immediate *care or* isolation on public health grounds, ***unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly.***

Amendment

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination ***by qualified medical staff*** with a view to identifying any needs for immediate ***and long-term care, as well as*** isolation on public health grounds.

Or. en

Amendment 634

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination with a view to identifying any needs for immediate care or isolation on public health grounds, ***unless, based on the***

Amendment

1. Third-country nationals submitted to the screening referred to in Article 3 shall be ***always*** subject to a preliminary medical examination with a view to identifying any needs for immediate care or isolation on public health grounds.

circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly.

Or. en

Amendment 635
Tineke Strik

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination with a view to identifying any needs for immediate care or isolation on public health grounds, ***unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly.***

Amendment

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination ***by qualified medical professionals*** with a view to identifying any needs for immediate care or isolation on public health grounds.

Or. en

Amendment 636
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Third-country nationals submitted to the screening referred to in Article 3

Amendment

1. Third-country nationals submitted to the screening referred to in Article 3 ***and***

shall be subject to a preliminary *medical* examination with a view to identifying any needs for immediate care or isolation on public health grounds, unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly.

5 shall be subject to a preliminary examination with a view to identifying any needs for immediate *health* care or isolation on public health grounds, unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly. *Where it is deemed necessary based on the preliminary examination, third-country nationals submitted to the screening referred to in Article 3 and 5 shall be subject to a health check.*

Or. en

Amendment 637

Pernando Barrera Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. For those third-country nationals seeking international protection, the health check referred to in the first subparagraph may form part of the medical examination as laid down in Article 23 of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation].

Or. en

Amendment 638

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino, Charlie Weimers

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Where relevant, it shall be checked whether persons referred to in paragraph 1 are in a vulnerable situation, victims of torture or have special reception or procedural needs ***within the meaning of Article 20 of the [recast] Reception Conditions Directive.***

Amendment

2. Where relevant, it shall be checked whether persons referred to in paragraph 1 are in a vulnerable situation, victims of torture or have special reception or procedural needs.

Or. en

Amendment 639

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. ***Where relevant, it shall be checked*** whether persons referred to in paragraph 1 are in a vulnerable situation, victims of torture or have special reception or procedural needs within the meaning of Article 20 of the [recast] Reception Conditions Directive.

Amendment

2. ***The medical professionals shall check whether the persons referred to in paragraph 1 are in a vulnerable situation or are victims of torture or other degrading and inhuman treatment , are stateless or at risk of statelessness, or have special reception or procedural needs within the meaning of Article 21 of the [recast] Reception Conditions Directive and Article 20 of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation].***

Or. en

Amendment 640

Tineke Strik

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. **Where relevant, it shall be checked** whether persons **referred to in paragraph 1** are in a vulnerable situation, victims of torture or have special reception or procedural needs within the meaning of Article 20 of the [recast] Reception Conditions Directive.

2. **Member States shall assess** whether persons **undergoing the screening** are in a vulnerable situation, **are** victims of torture, **are stateless or at risk of statelessness**, or have special reception or procedural needs within the meaning of Article 21 of the [recast] Reception Conditions Directive **and Article 20 of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation]**.

Or. en

Amendment 641

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. **Where relevant**, it shall be checked whether persons referred to in paragraph 1 are in a vulnerable situation, victims of torture or have special reception or procedural needs within the meaning of Article 20 of the [recast] Reception Conditions Directive.

Amendment

2. **In addition**, it shall be checked whether persons referred to in paragraph 1 are in a vulnerable situation, **which can include** victims of torture or have special reception or procedural needs within the meaning of Article 20 of the [recast] Reception Conditions Directive.

Or. en

Amendment 642

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where a person claims not to have any nationality or when there are reasonable grounds to believe a person may be stateless, this should be clearly

registered pending a full determination of whether the person is stateless in a separate procedure.

Or. en

Amendment 643

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.* **deleted**

Or. en

Amendment 644

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Charlie Weimers

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned *shall* receive *timely and adequate* support in view of their physical and mental health. *In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with*

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned *may* receive support in view of their physical and mental health.

child protection authorities.

Or. en

Amendment 645

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.

Amendment

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health ***in adequate facilities within the territory of the Member State.***

Minors and persons identified as vulnerable or with special needs shall have access to the same level of support as applicants for international protection have under Chapter IV of the Reception Conditions Directive and, if they apply for international protection, they should be referred to the normal asylum procedure. They shall not be subject to detention.

In the case of minors, support shall be given ***in a child-friendly manner*** by personnel ***adequately*** trained and qualified to deal with minors, and in cooperation with child protection authorities.

Or. en

Amendment 646
Tineke Strik

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.

Amendment

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities. ***The vulnerability assessments during the screening procedure are without prejudice to the mandatory vulnerability checks in subsequent asylum and return procedures.***

Or. en

Amendment 647

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. In the case of unaccompanied minors Member States shall appoint a representative to assist and represent the minor and he or she shall be informed thereof. Where applicable, this representative shall be the same as the representative to be appointed in accordance with Article 23 of Directive (EU) XXX/XXX [Reception Conditions Directive]. The unaccompanied minor shall be informed immediately of the appointment of the representative.

The representative shall perform his or her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to

that end. In order to ensure the minor's well-being and social development the person acting as representative shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minors shall not be eligible to become representatives.

Member States shall place a natural person who is designated as representative or the person referred to in Article 23, paragraph 1, first subparagraph, point (a), of Directive (EU) XXX/XXX [Reception Conditions Directive] in charge of a proportionate and limited number of unaccompanied minors at the same time to ensure that he or she is able to perform his or her tasks effectively.

Or. en

Amendment 648

Tineke Strik

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall make sure that all applicants in a vulnerable situation are immediately channelled into the regular asylum or regular return procedure and that all applicants in need are provided quick access to international protection.

Or. en

Amendment 649

Tineke Strik

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.* *deleted*

Or. en

Amendment 650

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

**Proposal for a regulation
Article 9 – paragraph 4**

Text proposed by the Commission

Amendment

4. *Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.* *deleted*

Or. en

Amendment 651

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

**Proposal for a regulation
Article 9 – paragraph 4**

Text proposed by the Commission

Amendment

4. *Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening* *deleted*

referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.

Or. en

Amendment 652
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. Where it is deemed necessary based on *the circumstances*, third-country nationals submitted to the screening referred to in Article 5 shall be subject to *a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.*

Amendment

4. Where it is deemed necessary based on *substantiated doubts*, third-country nationals submitted to the screening referred to in Article **3 and 5** shall be subject to *an age assessment or other procedures in accordance with national legislation in order to verify their vulnerabilities.*

Or. en

Amendment 653
Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.

Amendment

4. Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation. *Such examination shall be carried out by the competent health authorities in the Member States.*

Amendment 654**Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld****Proposal for a regulation
Article 9 a (new)***Text proposed by the Commission**Amendment**Article 9 a****Preliminary vulnerability check***

- 1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary vulnerability check with a view to identifying any vulnerabilities or specific procedural and reception needs within the meaning of Article 2(1), point 13 of Directive (EU) XXX/XXX [Reception Conditions Directive recast]. This preliminary vulnerability check should be without prejudice to a full vulnerability assessment in the next procedure as referred to in Article 21 of that Directive.***
- 2. The vulnerability check shall be done by staff trained specifically for that purpose and in line with the list in Article 20 of Directive (EU) XXX/XXX [Reception Conditions Directive recast]. It shall be ensured that there is sufficient staff to carry out these checks thoroughly and efficiently.***
- 3. Where there are initial indications of vulnerabilities or specific reception or procedural needs, it must be ensured that the third-country national concerned receives timely and adequate support in view of their physical and mental health during the screening process and that this is continued in the next procedure the person is referred to. If screening measures amount to detention, alternatives to detention or less coercive measures shall apply.***

4. Initial indications of vulnerabilities or specific reception or procedural needs must be indicated clearly on the debriefing form.

Or. en

Amendment 655
Tineke Strik

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Representative for unaccompanied minors
Member States shall as soon as possible, and before the screenings starts, appoint a representative for unaccompanied minors. The minor shall be informed immediately of their right to have a representative. The representative shall perform his or her duties in accordance with the principle of the best interests of the child. The representative shall have the resources, qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors, and shall inform the child accordingly about the procedure.

Or. en

Amendment 656
Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 9 b (new)

Text proposed by the Commission

Amendment

Article 9 b

Special guarantees for unaccompanied minors

- 1. The best interest of the child shall be the primary concern at every step of the screening, in line with the safeguards provided for in Directive (EU) XXX/XXX [Reception Conditions Directive recast], in particular Articles 11, 12, 13, 14, 20, 21, 22 and 23.*
- 2. Minors, whether accompanied or unaccompanied, shall be considered applicants in need of specific procedural guarantees.*
- 3. The appointed guardians of non-accompanied minors as referred to in Article 6 of this Regulation shall have the necessary qualifications and expertise and receive continuous and appropriate training to that end, and shall not have a verified criminal record, with particular regard to any of child-related crimes or offences. After his or her appointment, the guardian's criminal record shall be regularly reviewed by the competent authorities to identify potential incompatibilities with his or her role.*
- 4. Screening shall not entail an age assessment procedure.*

Or. en

Amendment 657

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 *or Article 5* shall be verified or established, by using *in particular* the following, *in combination with national and European databases*:

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 shall be verified or established, by using *where applicable* the following:

Or. en

Amendment 658
Tineke Strik

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 *or Article 5* shall be verified *or established*, by using in particular the following, *in combination with national and European databases*:

Amendment

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 shall be verified, by using in particular the following:

Or. en

Amendment 659
Nadine Morano

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) identity, travel or other *documents*;

Amendment

(a) identity, travel or *any* other *document*;

Or. fr

Amendment 660

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) data or information provided by *or obtained from* the third-country national concerned; and

Amendment

(b) data or information provided by the third-country national concerned; and

Or. en

Amendment 661

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) data or information provided by *or obtained from* the third-country national concerned; and

Amendment

(b) data or information provided by the third-country national concerned; and

Or. en

Amendment 662
Tineke Strik

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) data or information provided by *or obtained from* the third-country national concerned; and

Amendment

(b) data or information provided by the third-country national concerned; and

Or. en

Amendment 663

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) biometric data;

(c) biometric data, *as defined in Regulation (EU) XXX/XXX [Eurodac Regulation]*;

Or. en

Amendment 664

Peter Kofod, Jaak Madison, Laura Huhtasaari, Tom Vandendriessche, Nicolaus Fest, Roman Haider, Nicolas Bay, Jean-Paul Garraud, Harald Vilimsky, Annalisa Tardino

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) biometric data;

(c) biometric data, *including DNA testing for age*;

Or. en

Amendment 665

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) biometric data;

(c) biometric *and DNA* data;

Or. en

Amendment 666

Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation
Article 10 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) bone testing in the event of any doubt over a migrant's minor status.

Or. fr

Amendment 667
Tineke Strik

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query ***any relevant national databases as well as*** the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken ***live*** during the screening, ***as well as the identity data and, where available, travel document data*** shall be ***used to that end.***

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national ***shall be taken only once for the purposes of this Regulation and of Regulation xxxx/xxxx [Eurodac Regulation]. No force or coercion shall be used to ensure the taking of third-country nationals' personal data, including biometric data. The use of biometric data provided during the screening for the purposes of training, deploying or using biometric identification systems in publicly accessible places, at or around borders or in and around reception facilities shall be prohibited.***

Or. en

Amendment 668
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query ***any relevant national databases as well as*** the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, ***as well as the identity data and, where available, travel document data*** shall be used to ***that end***.

Amendment

2. For the purpose of ***verification or*** the identification referred to in paragraph 1, the competent authorities shall query the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening ***shall be taken only once for the purposes of this Regulation and their registration in Eurodac. No force or coercion*** shall be used to ***ensure the taking of third-country nationals' personal data, including biometric data. The use of biometric data provided during the screening for the purposes of training, deploying or using biometric identification systems in publicly accessible places, at or around borders or in and around reception facilities shall be prohibited.***

Or. en

Amendment 669

Tomas Tobé, Lena Düpont, Karlo Ressler, Jeroen Lenaers

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query ***any*** relevant national databases as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Amendment

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall ***make use of Identity Management System (IDMS) tools and*** query relevant national ***and international*** databases, as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Amendment 670**Jean-Paul Garraud, Nicolas Bay****Proposal for a regulation****Article 10 – paragraph 2***Text proposed by the Commission*

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query any relevant national databases as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Amendment

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query any relevant national databases as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric **and bone testing** data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Or. fr

Amendment 671**Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld****Proposal for a regulation****Article 10 – paragraph 2***Text proposed by the Commission*

2. For the purpose of the identification referred to in paragraph 1, the competent authorities shall query any relevant national databases as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Amendment

2. For the purpose of the identification referred to in paragraph 1, the **designated** competent authorities shall query any relevant national databases as well as the common identity repository (CIR) referred to in Article 17 of Regulation (EU) 2019/817. The biometric data of a third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

Or. en

Amendment 672

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation

Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. For the purposes of paragraph 1, point (a), Member States may, in accordance with provisions in national legislation, search the property, belongings and electronic devices of third-country nationals.

The independent monitoring mechanism shall ensure that the national legislation and the application of such provisions are compatible with Union law, in particular the Charter of Fundamental Rights.

Or. en

Amendment 673

Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation

Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The competent authorities shall be supported by the European Border and Coast Guard Standing Corps for the identification of third-country nationals submitted to the screening in accordance with Article 40 (4) (a) and Article 55 (7) (a) of Regulation (EU) 2019/1896.

Or. en

Amendment 674

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Querying the CIR shall be limited to pure consultation. Storage or use of data for other purposes than identifying the individual shall be strictly prohibited.

Or. en

Amendment 675

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. **Third country** nationals submitted to the screening pursuant to Article 3 **or Article 5** shall undergo a security check to verify **that they do not constitute a threat to internal security**. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

1. **Third-country** nationals submitted to the screening pursuant to Article 3 shall undergo a security check to verify **whether they are also registered in any of the relevant databases**. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned **as well as the principles of necessity and proportionality** shall apply to any searches carried out. **The security check shall not include access to electronic devices in the possession of third-country nationals nor access to their private communications or social media accounts. The security check shall also be part of the elements and actions possible to be scrutinised by the monitoring mechanism referred to in Article 7.**

Or. en

Amendment 676

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Third country nationals submitted to the screening pursuant to Article 3 or Article 5 shall undergo a security check to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals **and the** objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

Amendment

1. Third country nationals submitted to the screening pursuant to Article 3 or Article 5 shall undergo a security check to verify that they do not constitute a threat to internal security **or social cohesion**. The security check may cover both the third-country nationals, objects in their possession, **electronic devices which must be unlocked upon request by authorities, including providing access to any messaging applications, online presence as well as any publication, media or recordings**. The law of the Member State concerned shall apply to any searches carried out.

Or. en

Amendment 677
Tineke Strik

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Third country nationals submitted to the screening pursuant to Article 3 **or Article 5** shall undergo a security check to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

Amendment

1. Third country nationals submitted to the screening pursuant to Article 3 shall undergo a security check, **within the meaning of paragraph 2**, to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out. **The security check shall not include access to electronic devices in the possession of third-country nationals nor access to their private communications or social media accounts.**

Amendment 678

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Third country nationals submitted to the screening pursuant to Article 3 *or Article 5* shall undergo a security check to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

Amendment

1. Third country nationals submitted to the screening pursuant to Article 3 shall undergo a security check to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned, *the principles of necessity and proportionality as well as GDPR* shall apply to any searches carried out *and shall be scrutinised by the fundamental rights monitoring mechanism set up under Article 7 of this Regulation.*

Amendment 679

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Third country nationals submitted to the screening pursuant to Article 3 or Article 5 shall undergo a security check to verify that they do not constitute a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

Amendment

1. Third country nationals submitted to the screening pursuant to Article 3 or Article 5 shall undergo a security check to verify that they do not constitute a threat to internal *or national* security *or public order or policy*. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to

any searches carried out.

Or. en

Amendment 680

Tineke Strik

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that they have not yet done so in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities shall query ***relevant national and Union databases, in particular the Schengen Information System (SIS)***.

Amendment

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that they have not yet done so in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities shall ***launch a query in accordance with article 12***.

Or. en

Amendment 681

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that ***they*** have not ***yet done so*** in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities shall query ***relevant national and Union databases, in particular*** the Schengen Information System (SIS).

Amendment

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that ***these checks*** have not ***already taken place*** in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities shall query the Schengen Information System (SIS).

Or. en

Amendment 682

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that they have not yet done so in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities shall query relevant national and Union databases, in particular the Schengen Information System (SIS).

Amendment

2. For the purpose of conducting the security check referred to in paragraph 1, and to the extent that they have not yet done so in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the competent authorities **designated to carry out the screening** shall query relevant national and Union databases, in particular the Schengen Information System (SIS).

Or. en

Amendment 683

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. ***To the extent it has not been already done during the checks referred to in Article 8 of Regulation (EU) 2016/399, the competent authority shall query the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the ETIAS watch list referred to in Article 29 of Regulation (EU) 2018/1240, the Visa Information System (VIS), the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned, the Europol data processed for***

Amendment

deleted

the purpose referred to in Article 18(2), point (a), of Regulation (EU) 2016/794, and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN) with the data referred to in Article 10(1) and using at least the data referred to under point (c) thereof.

Or. en

Amendment 684
Tineke Strik

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. To the extent it has not been already done during the checks referred to in Article 8 of Regulation (EU) 2016/399, the competent authority shall query the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the ETIAS watch list referred to in Article 29 of Regulation (EU) 2018/1240, the Visa Information System (VIS), the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned, the Europol data processed for the purpose referred to in Article 18(2), point (a), of Regulation (EU) 2016/794, and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN) with the data referred to in Article 10(1) and using at least the data referred to under point (c) thereof.

deleted

Or. en

Amendment 685

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. To the extent it has not been already done during the checks referred to in Article 8 of Regulation (EU) 2016/399, the competent authority shall query the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the ETIAS watch list referred to in Article 29 of Regulation (EU) 2018/1240, the Visa Information System (VIS), the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned, the Europol data processed for the purpose referred to in Article 18(2), point (a), of Regulation (EU) 2016/794, and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN) with the data referred to in Article 10(1) and using at least the data referred to under point (c) thereof.

Amendment

3. To the extent it has not been already done during the checks referred to in Article 8 of Regulation (EU) 2016/399, the **designated** competent authority shall query the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the ETIAS watch list referred to in Article 29 of Regulation (EU) 2018/1240, the Visa Information System (VIS), the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned, the Europol data processed for the purpose referred to in Article 18(2), point (a), of Regulation (EU) 2016/794, and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN) with the data referred to in Article 10(1) and using at least the data referred to under point (c) thereof.

Or. en

Amendment 686
Tineke Strik

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. As regards the consultation of EES, ETIAS and VIS pursuant to paragraph 3, the retrieved data shall be limited to indicating refusals of a travel authorisation, refusals of entry, or decisions to refuse, annul or revoke a visa or residence permit, which are based on security grounds.

Amendment

deleted

Or. en

Amendment 687

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. As regards the consultation of EES, **ETIAS** and VIS pursuant to paragraph 3, the retrieved data shall be limited to indicating refusals of a travel authorisation, refusals of entry, or decisions to refuse, annul or revoke a visa or residence permit, which are based on security grounds.

Amendment

4. As regards the consultation of EES and VIS pursuant to paragraph 3, the retrieved data shall be limited to indicating refusals of a travel authorisation, refusals of entry, or decisions to refuse, annul or revoke a visa or residence permit, which are based on security grounds. ***Access to CIR and use of ESP by competent authorities shall be limited to the extent that this is strictly necessary for the performance of their specific tasks in accordance with those purposes, and shall be proportionate to the objectives pursued.***

Or. en

Amendment 688
Tineke Strik

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. ***The Commission shall adopt implementing acts setting out the detailed procedure and specifications for retrieving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).***

Amendment

deleted

Or. en

Amendment 689

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

5. The Commission shall adopt **implementing** acts setting out the detailed procedure and specifications for retrieving data. Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Amendment

5. The Commission shall adopt **delegated** acts setting out the detailed procedure and specifications for retrieving data, **processing and using data**. Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Or. en

Amendment 690

Tineke Strik

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The queries provided for in Article 10(2) and in Article 11(2) **may** be launched using, for queries related to EU information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶.

Amendment

1. The queries provided for in Article 10(2) and in Article 11(2) **of this Regulation shall** be launched using, for queries related to EU information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶. **Access to CIR and use of ESP by competent authorities shall be limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and shall be proportionate to the objectives pursued. No force or coercion shall be used to ensure the taking of third-country nationals' personal data, including biometric data.**

³⁶ Regulation (EU) 2019/818 of the

³⁶ Regulation (EU) 2019/818 of the

European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

Or. en

Amendment 691

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. The queries provided for in Article 10(2) and in Article 11(2) **may** be launched using, for queries related to EU information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶.

³⁶ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

Amendment

1. The queries provided for in Article 10(2) and in Article 11(2) **shall** be launched using, for queries related to EU information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶.

³⁶ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

Or. en

Amendment 692 Tineke Strik

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a match is obtained following a query as provided for in Article 11(3) against data in one of the information systems, the competent authority shall have access to consult the file corresponding to that match in the respective information system in order to determine the risk to internal security as referred to in Article 11(1). *deleted*

Or. en

Amendment 693

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

**Proposal for a regulation
Article 12 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where a match is obtained following a query as provided for in Article 11(3) against data in one of the information systems, the competent authority shall have access to consult the file corresponding to that match in the respective information system in order to determine the risk to internal security as referred to in Article 11(1). *deleted*

Or. en

Amendment 694

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

**Proposal for a regulation
Article 12 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where a match is obtained following a query as provided for in Article 11(3) against data in one of the information

2. Where a match is obtained following a query as provided for in Article 11(3) against data in one of the information

systems, the competent authority shall have access to consult the file corresponding to that match in the respective information system in order to determine the risk to internal security as referred to in Article 11(1).

systems, the competent authority shall have access to consult the file corresponding to that match in the respective information system in order to determine the risk to internal **or national** security **or public order or policy** as referred to in Article 11(1).

Or. en

Amendment 695

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation **Article 12 – paragraph 3**

Text proposed by the Commission

Amendment

3. Where a query as provided for in Article 11(3) reports a match against Europol data, the competent authority of the Member State shall inform Europol in order to take, if needed, any appropriate follow-up action in accordance with the relevant legislation.

deleted

Or. en

Amendment 696

Tineke Strik

Proposal for a regulation **Article 12 – paragraph 3**

Text proposed by the Commission

Amendment

3. Where a query as provided for in Article 11(3) reports a match against Europol data, the competent authority of the Member State shall inform Europol in order to take, if needed, any appropriate follow-up action in accordance with the relevant legislation.

deleted

Amendment 697

Tineke Strik

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. Where a query as provided for in Article 11(3) reports a match against the Interpol Travel Documents Associated with Notices database (Interpol TDAWN), the competent authority of the Member State shall inform the Interpol National Central Bureau of the Member State that launched the query in order to take, if needed, any appropriate follow-up action in accordance with the relevant legislation. *deleted*

Or. en

Amendment 698

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. Where a query as provided for in Article 11(3) reports a match against the Interpol Travel Documents Associated with Notices database (Interpol TDAWN), the competent authority of the Member State shall inform the Interpol National Central Bureau of the Member State that launched the query in order to take, if needed, any appropriate follow-up action in accordance with the relevant legislation. *deleted*

Amendment 699

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt *implementing* acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the risk to internal security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

deleted

Amendment 700

Tineke Strik

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt *implementing* acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the *risk* to internal security. Those *implementing* acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

5. The Commission shall adopt *delegated* acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening to determine the *threat* to internal security.

Amendment 701

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The Commission shall adopt **implementing** acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the risk to internal security. Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Amendment

5. The Commission shall adopt **delegated** acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the risk to internal security. Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Or. en

Amendment 702

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The Commission shall adopt implementing acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the risk to internal security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Amendment

5. The Commission shall adopt implementing acts to specify the procedure for cooperation between the authorities responsible for carrying out the screening, Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively, to determine the risk to internal **or national** security **or public order or policy**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Amendment 703

Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

13 ***De-briefing*** form

13 ***Screening*** form

Or. en

Amendment 704

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

On completion of the screening, the competent authorities shall, ***with regard to the persons referred to in Article 3 and in Article 5***, complete the form in Annex I containing:

On completion of the screening, the competent authorities shall complete the form in Annex I containing ***the following information***:

Or. en

Amendment 705

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel

Urbán Crespo, Anne-Sophie Pelletier

on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

On completion of the screening, the competent authorities shall, with regard to the persons referred to in Article 3 ***and in Article 5***, complete the form in Annex I

On completion of the screening, the competent authorities shall, with regard to the persons referred to in Article 3, complete the form in Annex I containing:

containing:

Or. en

Amendment 706

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

On completion of the screening, the competent authorities shall, with regard to the persons referred to in Article 3 *and in Article 5*, complete the form in Annex I containing:

Amendment

On completion of the screening, the competent authorities shall, with regard to the persons referred to in Article 3, complete the form in Annex I containing:

Or. en

Amendment 707

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) name, date and place of birth and *sex*;

Amendment

(a) name, date and place of birth and *sex/gender*;

Or. en

Amendment 708

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) name, date and place of birth and **sex**;

(a) name, date and place of birth and **sex/gender**;

Or. en

Amendment 709

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where relevant, the performance of a bone test and the conclusions of that test;

Or. fr

Amendment 710

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 13 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the result of the age determination procedure;

Or. en

Amendment 711

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) initial indication of nationalities, countries of residence prior to arrival and

(b) **their** initial indication of nationalities **or statelessness**, countries of

languages spoken;

residence prior to arrival and languages spoken;

Or. en

Amendment 712

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) initial indication of nationalities, countries of residence prior to arrival and languages spoken;

(b) initial indication of nationalities *or statelessness*, countries of residence prior to arrival and languages spoken;

Or. en

Amendment 713

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) initial indication of nationalities, countries of residence prior to arrival and languages spoken;

(b) initial indication of nationalities *or statelessness*, countries of residence prior to arrival and languages spoken;

Or. en

Amendment 714

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) information on the health and vulnerability checks performed in accordance with Article 9 and if they entail special reception or procedural needs and, where appropriate, the fact that those checks have not been completed during the screening procedure;

Or. en

Amendment 715

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) relevant information on the preliminary health checks, in accordance with GDPR;

Or. en

Amendment 716

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(b b) relevant information of the preliminary vulnerabilities check as well as specific reception or procedural needs identified and /or the checks that were not completed during the screening procedure;

Or. en

Amendment 717

Tineke Strik

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *reason for unauthorised arrival, entry, and, where appropriate illegal stay or residence, including information on whether the person made an application for international protection;*

(c) *reasons for arrival;*

Or. en

Amendment 718

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) reason for *unauthorised arrival, entry, and, where appropriate illegal stay or residence, including* information on whether the person made an application for international protection;

(c) reason for *which screening has been performed and* information on whether the person made an application for international protection;

Or. en

Amendment 719

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *reason for unauthorised arrival, entry, and, where appropriate illegal stay or residence,* including information on whether the person made an application for

(c) *circumstances of* arrival, entry, including information on whether the person made an application for international protection;

international protection;

Or. en

Amendment 720

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) information as to whether the third-country national has family members or relatives located on the territory of any of the Member States;

Or. en

Amendment 721

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) information as to whether the third-country national has applied for international protection;

Or. en

Amendment 722

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the results of health and

vulnerability checks under Article 9 of this Regulation, including information indicating whether the third-country national is in a vulnerable situation, is a victim of torture or has special reception or procedural needs, or the reasons why those checks have not been completed during the screening;

Or. en

Amendment 723
Tineke Strik

Proposal for a regulation
Article 13 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) information as to whether the third-country national has family ties in the territory of any of the Member States.

Or. en

Amendment 724
Tineke Strik

Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) information obtained on routes travelled, including the point of departure, the places of previous residence, the third countries of transit and those where protection may have been sought or granted as well as the intended destination within the Union; *deleted*

Or. en

Amendment 725

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) information obtained on routes travelled, including the point of departure, the places of previous residence, the third countries of transit and those where protection may have been sought or granted as well as the intended destination within the Union; **deleted**

Or. en

Amendment 726
Tineke Strik

Proposal for a regulation
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information on assistance provided by a person or a criminal organisation in relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling. **deleted**

Or. en

Amendment 727

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information on assistance provided by a person or a criminal organisation in **deleted**

relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling.

Or. en

Amendment 728

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information on assistance provided by a person or a criminal organisation in relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling. *deleted*

Or. en

Amendment 729

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information on assistance provided by a person or **a criminal** organisation in relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling.

(e) information on assistance provided by a person or **an** organisation in relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling.

Or. en

Amendment 730

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 13 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) information on family members or close adult relatives present in the EU as defined in Directive (EU) XXX/XXX [Reception Conditions Directive recast];

Or. en

Amendment 731
Tineke Strik

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The form shall be drafted in a language which the third-country national understands and be handed over to the person concerned before transmitting it to the relevant authorities referred to in Article 14, in order to allow the third-country national to rebut the representation of the facts included in the form and effectively exercise the rights enshrined in Article 15, 16, 22 and 77 of GDPR. Competent authorities shall record in the form any remark or objection from the third-country national concerning the accuracy of data and information included therein.

Or. en

Amendment 732
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The procedure should ensure that the person exercises his or her right to be heard and to an adequate remedy. The de-briefing form should be an administrative decision amenable to appeal. The person should receive a copy of the de-briefing form in a language that they understand and be able to comment on the information contained therein. The person should be assisted by an interpreter. The person should also have access to an appeal procedure to contest any information provided in the form and should be advised about appeal channels.

Or. en

Amendment 733

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The de-briefing form is an administrative decision amenable to appeal. The person shall be advised about appeal channels and receive a copy of the de-briefing form before the form is transmitted to the authorities and be able to review, rectify and challenge the information provided in the de-briefing form.

Or. en

Amendment 734

Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The competent authorities shall transmit electronically the non-personal data collected in the form in Annex I to Frontex in order to produce the situational picture as referred to in Article 24 (1) (a) of Regulation (EU) 2019/1896.

Or. en

Amendment 735

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The form shall be drafted in a language which the third-country national understands and handed over to the person concerned before transmitting it to the relevant authorities referred to in Article 14, in order to allow the third-country national to rebut the representation of the facts included in the form and effectively exercise the rights enshrined in Articles 15, 16, 22 and 77 of GDPR. Competent authorities shall record in the form any remark or objection from the third-country national concerning the accuracy of data and information included therein.

Information included in the form shall be also provided orally, with the support of an interpreter where necessary. In case of unaccompanied minors, information shall be provided and the form shall be handed over at the presence of the representative appointed pursuant to Article 9.

Or. en

Amendment 736

Tineke Strik

Proposal for a regulation

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Information included in the form shall be also be provided orally, with the support of an interpreter where necessary. In case of unaccompanied minors, information shall be provided and the form shall be handed over at the presence of the representative appointed pursuant to Article 9a.

Or. en

Amendment 737

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 14 – title

Text proposed by the Commission

Amendment

14 ***Outcome of the screening***

14 ***Completion of screening***

Or. en

Amendment 738

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 14 – title

Text proposed by the Commission

Amendment

14 ***The third country nationals referred to in Article 3(1) point (a) and (b) of this Regulation who***

14 ***Finalisation of the screening***

Or. it

Amendment 739
Sabrina Pignedoli

Proposal for a regulation
Article 14 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Upon completion of the screening or, at the latest, upon expiry of the time limits referred to in Article 6, the following rules shall apply.

Or. it

Amendment 740
Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation
Article 14 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Once the screening is completed or, at the latest, when the time limits set in Article 6 expire, the following rules apply:

Or. en

Amendment 741
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The third country nationals referred to in Article 3(1) point (a) and (b) of this Regulation who ***deleted***

— have not applied for international protection and

— with regard to whom the screening has not revealed that they fulfil entry

conditions set out in Article 6 of Regulation (EU) 2016/399, shall be referred to the competent authorities to apply procedures respecting Directive (EU) 2008/115/EC (Return Directive).

Or. en

Amendment 742
Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The third country nationals referred to in Article 3(1) *point (a) and (b)* of this Regulation who

The third country nationals referred to in Article 3(1) of this Regulation who

Or. it

Amendment 743
Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Furlas

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The third country nationals referred to in Article 3(1) *point (a) and (b)* of this Regulation who

The third country nationals referred to in Article 3(1) of this Regulation who

Or. en

Amendment 744
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The third country nationals referred to in Article 3(1) point (a) and (b) of this Regulation who

The third country nationals referred to in Article 3(1) point (a) and (b) **and Article 5** of this Regulation who

Or. en

Amendment 745

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 1

Text proposed by the Commission

Amendment

— **have not applied for international protection and**

— **deleted**

Or. en

Amendment 746

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 1

Text proposed by the Commission

Amendment

— have not **applied** for international protection **and**

— have not **made an application** for international protection

Or. en

Amendment 747

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 1

Text proposed by the Commission

Amendment

— have not **applied** for international

— have not **expressed their wish to**

protection and

apply for international protection and

Or. en

Amendment 748
Tineke Strik

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – indent 1 a (new)

Text proposed by the Commission

Amendment

- *do not fall under the scope of paragraphs 2 and 3 of this Article, and*

Or. en

Amendment 749
Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – indent 2

Text proposed by the Commission

Amendment

— *with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399,* *deleted*

Or. en

Amendment 750
Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – indent 2

Text proposed by the Commission

Amendment

— *with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399,* *deleted*

Amendment 751

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 2

Text proposed by the Commission

— with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399,

Amendment

— with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399, **and**

Or. en

Amendment 752

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***are not eligible to apply for a residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other grounds under Member State legislation or other provisions of Union or international law,***

Or. en

Amendment 753

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***are not eligible to enter or remain on the territory for any other ground***

under Member State legislation, Union or international law;

Or. en

Amendment 754

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – subparagraph 1

Text proposed by the Commission

shall be referred to the competent authorities to apply procedures **respecting** Directive (EU) 2008/115/EC (Return Directive).

Amendment

shall be referred to the competent authorities to apply **the** procedures **provided for in** Directive (EU) 2008/115/EC (Return Directive), **without prejudice to the application of Article 6(5) of Regulation (EU) 2016/399.**

Or. en

Amendment 755

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – subparagraph 1

Text proposed by the Commission

shall be referred to the competent authorities to apply procedures **respecting** Directive (EU) 2008/115/EC (Return Directive).

Amendment

shall be referred to the competent authorities to **swiftly** apply procedures **in accordance with** Directive (EU) 2008/115/EC (Return Directive).

Or. en

Amendment 756

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

shall be referred to the competent authorities to apply procedures respecting Directive (EU) 2008/115/EC (Return Directive).

shall be referred to the competent authorities to apply procedures respecting Directive (EU) 2008/115/EC (Return Directive) ***including where applicable Article 2(2)(a) of that Directive.***

Or. en

Amendment 757

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In cases not related to search and rescue operations, entry may be refused in accordance with Article 14 of Regulation 2016/399.

deleted

Or. en

Amendment 758

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In cases ***not related to search and rescue operations***, entry ***may*** be refused in ***accordance with*** Article 14 of Regulation 2016/399.

In ***all*** cases, entry ***shall*** be refused ***if the conditions*** in Article 14 of Regulation 2016/399 ***are met.***

Or. en

Amendment 759

Charlie Weimers, Laura Huhtasaari

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In cases **not** related to search and rescue operations, entry **may** be refused in accordance with Article 14 of Regulation 2016/399.

Amendment

In cases related to search and rescue operations, entry **can** be refused in accordance with Article 14 of Regulation 2016/399.

Or. en

Amendment 760
Jean-Paul Garraud, Nicolas Bay

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In cases **not** related to search and rescue **operations**, entry may be refused in accordance with Article 14 of Regulation 2016/399.

Amendment

Even in cases related to **operations by NGOs to search for** and rescue **migrants**, entry may be refused in accordance with Article 14 of Regulation 2016/399.

Or. fr

Amendment 761
Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In cases not related to search and rescue operations, entry may be refused in accordance with Article 14 of Regulation 2016/399.

Amendment

In cases not related to search and rescue operations **and only for third-country nationals who have not yet entered the territory of the Member State and are at a land or air official border crossing point**, entry may be refused in accordance with Article 14 of Regulation 2016/399 **which, entails, among others, that the third-country national shall receive a**

substantiated decision stating the precise reasons for the refusal of entry and shall have the right to appeal.

Or. en

Amendment 762

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In cases not related to search and rescue operations, entry may be refused in accordance with Article 14 of Regulation 2016/399.

Amendment

In cases not related to search and rescue operations, entry may be refused in accordance with ***the full procedure laid down in*** Article 14 of Regulation 2016/399.

Or. en

Amendment 763

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In cases not related to search and rescue operations, entry may be refused in accordance with Article 14 of Regulation 2016/399.

Amendment

In cases not related to search and rescue operations, entry may be refused in accordance with ***the procedure laid down in*** Article 14 of Regulation 2016/399.

Or. en

Amendment 764

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The form referred to in Article 13 shall be transmitted to the relevant authorities to whom the third country national is being referred.

Amendment

The form referred to in Article 13 shall be transmitted to the relevant authorities to whom the third country national is being referred, ***together with the reasons in law and fact explaining the choice for the referral to the specific procedure. Both the information included in the form and the reasons accompanying the transmission of the form to the relevant authorities can constitute grounds of appeals and be challenged in the appropriate procedure regarding asylum or return.***

Or. en

Amendment 765

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

In cases affecting minors, the best interests of the child shall be the primary consideration. This requires that procedures respecting Directive (EU) 2008/115/EC (Return Directive) may only be applied after a documented best interests of the child procedure is carried out by a multidisciplinary team assessing and identifying a durable solution. If the procedure concludes that return is considered to be in the best interests of the child, priority should be given to implementation through voluntary departure with child-specific assistance.

Or. en

Amendment 766

Tineke Strik

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who **made** an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation. ***On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.***

Amendment

2. Third-country nationals who **make, have made or have expressed the wish to make** an application for international protection shall be referred to the **competent** authorities **to apply asylum procedures** referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation.

Or. en

Amendment 767

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], ***together with the form referred to in Article 13 of this Regulation. On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border***

Amendment

2. Third-country nationals who **have expressed the wish, make or have made** an application for international protection shall be referred to the **competent** authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation] ***in order for the asylum procedures foreseen in that Regulation to be applied.***

procedure.

Or. en

Amendment 768

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) *No* XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation. *On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.*

Amendment

2. Third-country nationals who made an application for international protection shall be referred to the *asylum* authorities referred to in Article XY of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation.

Or. en

Amendment 769

Juan Ignacio Zoido Álvarez, Jeroen Lenaers

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation.

Amendment

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation.

On that occasion, the authorities conducting the screening shall point in the *de-briefing* form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.

On that occasion, the authorities conducting the screening shall point in the *screening* form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.

Or. en

Amendment 770

Tomas Tobé, Lena Düpont, Karlo Ressler, Jeroen Lenaers

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation. On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.

Amendment

2. Third-country nationals who made an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form referred to in Article 13 of this Regulation. On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure. ***A third-country national who pose a threat to the internal security of the Union or the public order and security of the Member State or are deceptive about their identity shall remain in the border procedure until a decision to grant international protect or a return border procedure has been concluded.***

Or. en

Amendment 771

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. The third-country nationals referred to in Article 5, who *deleted*
— have not applied for international protection and
— with regard to whom the screening has not revealed that they fulfil the conditions for entry and stay
shall be subject to return procedures respecting Directive 2008/115/EC.

Or. en

Amendment 772

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. The third-country nationals referred to in Article 5, who *deleted*
— have not applied for international protection and
— with regard to whom the screening has not revealed that they fulfil the conditions for entry and stay
shall be subject to return procedures respecting Directive 2008/115/EC.

Or. en

Amendment 773

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. The third-country nationals referred to in Article 5, who *deleted*
— have not applied for international protection and
— with regard to whom the screening has not revealed that they fulfil the conditions for entry and stay
shall be subject to return procedures respecting Directive 2008/115/EC.

Or. en

Amendment 774

Balázs Hidvéghi, Loránt Vincze

**Proposal for a regulation
Article 14 – paragraph 4**

Text proposed by the Commission

Amendment

4. The third-country nationals referred to in Article 5, who *deleted*
— have not applied for international protection and
— with regard to whom the screening has not revealed that they fulfil the conditions for entry and stay
shall be subject to return procedures respecting Directive 2008/115/EC.

Or. en

Justification

As cases in Article 5 to be covered by Article 14 paragraph 1.

Amendment 775

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Where third-country nationals submitted to the screening in accordance with Article 5 make an application for international protection as referred to in Article 25 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation), paragraph 2 of this Article shall apply accordingly. *deleted*

Or. en

Amendment 776
Tineke Strik

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Where third-country nationals submitted to the screening in accordance with Article 5 make an application for international protection as referred to in Article 25 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation), paragraph 2 of this Article shall apply accordingly. *deleted*

Or. en

Amendment 777

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Where third-country nationals submitted to the screening in accordance *deleted*

with Article 5 make an application for international protection as referred to in Article 25 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation), paragraph 2 of this Article shall apply accordingly.

Or. en

Amendment 778

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The decision on referral, as regulated under this Article, shall be provided in a written document, to which the de-briefing form is to be appended. The written referral decision shall contain the reasons in fact and law for the choice of the procedure and shall be subject to an appeal. The person concerned shall have access to legal assistance to be able to seek a remedy.

In addition to the above and in order for the person to be in a position to effectively exercise the rights referred to in Article 13 of Regulation (EU) 2016/679 [GDPR], in Article 13 of Directive (EU) 2016/680 [Police Directive] and in Article 15 of Regulation (EU) 2018/1725, in particular the right to request from the data controller access to and rectification or erasure of personal data and the right to lodge a complaint with a supervisory authority, the person concerned shall be provided with a copy of the form at the same time as it is transmitted to the relevant authorities as referred to in paragraphs 1, 2 and 3 of this Article.

Or. en

Amendment 779

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. In respect of third-country nationals to whom Regulation EU No XXX/XXX [Eurodac Regulation] applies, the competent authorities shall take the biometric data referred to in Articles [10, 13, 14 and 14a] of that Regulation (EU) and shall transmit it in accordance with that Regulation. **deleted**

Or. en

Amendment 780

Tineke Strik

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. In respect of third-country nationals to whom Regulation EU No XXX/XXX [Eurodac Regulation] applies, the competent authorities shall take the biometric data referred to in Articles [10, 13, 14 and 14a] of that Regulation (EU) and shall transmit it in accordance with that Regulation. **deleted**

Or. en

Amendment 781

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. Where the third country nationals referred to in **Article(s) 3(1) and Article 5** are referred to **an** appropriate procedure **regarding asylum or return**, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) **and (5)**, the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure.

Amendment

7. Where the third country nationals **subject to screening procedures** are referred to **the** appropriate procedure, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3), the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure. **Where it becomes apparent during the screening that the third-country national concerned fulfils the entry conditions set out in Article 6 of Regulation (EU)2016/399, the screening shall end. Health and vulnerability checks that could not be completed shall be promptly resumed in the next procedure to ensure the persons' specific reception or procedural needs are taken into account.**

Or. en

Amendment 782

Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. Where the third country nationals referred to in Article(s) 3(1) **and Article 5** are referred to an appropriate procedure regarding **asylum** or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) **and (5)**, the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure.

Amendment

7. Where the third country nationals referred to in Article(s) 3(1) are referred to an appropriate procedure regarding **international protection, relocation** or return **or where the form referred to in Article 13 was passed to these authorities concerning the third-country nationals referred to in Article 3(2)**, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3), the screening shall nevertheless end with regard to that person,

who shall be referred to a relevant procedure.

Or. en

Amendment 783

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 7

Text proposed by the Commission

7. Where the third country nationals referred to in Article(s) 3(1) **and Article 5** are referred to an appropriate procedure regarding asylum **or** return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) and (5), the screening shall nevertheless end with regard to that person, who shall be referred to **a relevant** procedure.

Amendment

7. Where the third country nationals referred to in Article(s) 3(1) are referred to an appropriate procedure regarding asylum, return **or refusal of entry**, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) and (5), the screening shall nevertheless end with regard to that person, who shall **then automatically** be referred to **the ordinary asylum** procedure **laid down in Regulation (EU) XXX/202X (Asylum Procedures Regulation)**.

Or. en

Amendment 784

Tineke Strik

Proposal for a regulation

Article 14 – paragraph 7

Text proposed by the Commission

7. Where the third country nationals referred to in Article(s) **3(1) and Article 5** are referred to an appropriate procedure regarding asylum or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) **and (5)**, the screening shall nevertheless end with regard to that person, who shall be referred to a relevant

Amendment

7. Where the third country nationals referred to in Article **3(1)** are referred to an appropriate procedure regarding asylum or return, the screening ends. Where **it becomes apparent during the screening that the third-country national concerned fulfils the entry conditions set out in Article 6 of Regulation (EU) 2016/399, the screening shall end. Where** not all the

procedure.

checks have been completed within the deadlines referred to in Article 6(3), the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure. ***Where health and vulnerability checks under Article 9 of this Regulation have not been completed during the screening, border procedures shall not be applied and the checks shall be promptly resumed in the regular asylum or the regular return procedure. Where the outcome of health and vulnerability checks under Article 9 of this Regulation indicates that the third-country national is in vulnerable situation, is a victim of torture or has special reception or procedural needs, that person shall be immediately channelled in the regular asylum or the regular return procedure if it is not already the case.***

Or. en

Amendment 785
Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. Where the third country nationals referred to in Article(s) 3(1) **and Article 5** are referred to an appropriate procedure regarding asylum or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) **and (5)**, the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure.

Amendment

7. Where the third country nationals referred to in Article(s) 3(1) are referred to an appropriate procedure regarding asylum or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3), the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure.

Or. it

Amendment 786

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The third-country national concerned shall be afforded an effective remedy to appeal against or seek review of the outcome of the screening before a competent judicial or administrative authority or a competent body composed of members who are impartial and who enjoy safeguards of independence.

Notwithstanding the above provisions, persons identified as stateless or at risk of statelessness during the screening shall be referred to the competent authorities to conduct a full determination of whether the individual is stateless and offer adequate protection, in accordance with national law. If the individual has made an application for international protection, the statelessness determination shall be conducted either in parallel with or following the consideration of the application for international protection, without prejudice to the primacy of international protection status and with full respect of the principle of confidentiality.

Or. en

Amendment 787

Jan-Christoph Oetjen, Moritz Körner, Dragoș Tudorache, Hilde Vautmans, Abir Al-Sahlani, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The third-country national concerned shall be afforded an effective

remedy to appeal against or seek review of the outcome of the screening in accordance with national law. A written indication of contact points able to provide information on representatives competent to act on behalf of the third-country national in accordance with national law shall also be given to the third-country national in a language that they understand. The appeal shall be lodged immediately after the referral has been communicated to the third-country national. Lodging such an appeal shall not have suspensive effect on the referral of the third country national to the subsequent procedure. The appeal shall be processed rapidly and its outcome communicated in writing to the third-country national.

Or. en

Amendment 788
Birgit Sippel

Proposal for a regulation
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The Member States carrying out the screening procedure shall ensure that all personal data collected in the context of that procedure, in particular the personal data included in the debriefing form, is deleted as soon as:

(i) a final decision has been taken on the application for international protection, including any and all levels of appeal; or

(ii) a final decision has been taken in respect of the return procedure, including any and all levels of appeal; or

(iii) a refusal of entry has been issued, including any and all levels of appeal; or

(iv) the person has been granted entry into the Member State concerned under

Amendment 789

Tomas Tobé, Lena Düpont, Karlo Ressler, Juan Ignacio Zoido Álvarez, Elissavet Vozemberg-Vrionidi, Jeroen Lenaers

Proposal for a regulation

Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The referral to a procedure in accordance with this Article shall not be subject to remedy. Member States shall ensure that the applicant has the right to an effective remedy in the procedure he or she is referred to.

Amendment 790

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

After the Screening

1. Once the Screening procedure is over, Member States competent authorities may decide to return a third-country national if they have clearly denied to apply for international protection and are not eligible to apply for a residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other grounds under Member State legislation or other provisions of Union or

international law. In these cases, Directive (EU) 2008/115/EC (Return Directive) shall apply entailing all the relevant obligations for the Member States and safeguards for the third-country nationals.

2. The application of Directive (EU) 2008/115/EC (Return Directive) shall take place without prejudice to Article 6(5) of Regulation (EU) 2016/399 and paragraph 7(a) of this Article and the principle of non-refoulement and other fundamental rights obligations under the Charter of Fundamental Rights and other EU and international obligations and without prejudice to Article 6(4) of Directive 2008/115.

3. In cases affecting minors, the best interests of the child shall be a primary consideration. This requires that procedures respecting Directive (EU) 2008/115/EC (Return Directive) may only be applied after a documented best interests of the child procedure is carried out by a multidisciplinary team assessing and identifying a durable solution. If the procedure concludes that return is considered to be in the best interests of the child, priority should be given to implementation through voluntary departure with child-specific assistance.

Or. en

Amendment 791
Rasa Juknevičienė

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

Financial support

Expenditure related to the implementation of this Regulation shall be covered by

funding of home affairs policies, under the 2021-2027 multiannual financial framework Asylum and Migration Management Fund. This includes the installation of verification infrastructure (creation and use / renewal of existing premises at border crossing points, reception centers, etc.), creation of access to relevant databases in new locations, recruitment of additional staff, training of border guards and other staff, recruitment of medical staff, purchase of medical equipment and the installation of premises for medical examinations (where necessary), the establishment of an independent mechanism for monitoring fundamental rights.

Or. en

Amendment 792

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 16

Regulation (EC) No 767/2008

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

Article 16

deleted

*Amendments to Regulation (EC) No
767/2008*

*Regulation (EC) No 767/2008 is amended
as follows:*

*(1) In Article 6, paragraph 2 is replaced
by the following:*

*“2. Access to the VIS for the purposes of
consulting the data shall be reserved
exclusively for the duly authorised staff of
the ETIAS Central Unit, of the national
authorities of each Member State,
including to duly authorised staff of the
ETIAS National Units, designated*

pursuant to Article 8 of Regulation (EU) 2018/1240 of the European Parliament and of the Council, which are competent for the purposes laid down in Articles 15 to 22, for the duly authorised staff of the national authorities of each Member States and of the Union agencies, which are competent for the purposes laid down in Articles 20 and 21 of Regulation 2019/817, and for the competent authorities provided under Article 6(6) of Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁷. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.;

³⁷ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

Amendment 793
Tineke Strik

Proposal for a regulation
Article 16
Regulation (EC) 767/2008
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

Article 16

deleted

Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended as follows:

(1) In Article 6, paragraph 2 is replaced

by the following:

“2. Access to the VIS for the purposes of consulting the data shall be reserved exclusively for the duly authorised staff of the ETIAS Central Unit, of the national authorities of each Member State, including to duly authorised staff of the ETIAS National Units, designated pursuant to Article 8 of Regulation (EU) 2018/1240 of the European Parliament and of the Council, which are competent for the purposes laid down in Articles 15 to 22, for the duly authorised staff of the national authorities of each Member States and of the Union agencies, which are competent for the purposes laid down in Articles 20 and 21 of Regulation 2019/817, and for the competent authorities provided under Article 6(6) of Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁷. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.;

³⁷ *Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].*

Or. en

Amendment 794

Pernando Barrera Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 17

Regulation (EU) 2017/2226

Article 6(1) – Article 9(1) – Article 9(4)

Article 17

deleted

**Amendments to Regulation (EU)
2017/2226**

Regulation (EU) 2017/2226 is amended as follows:

(1) In Article 6(1), the following point (1) is added:

“(1) support the objectives of the screening established by Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁸, in particular for the checks provided under Article 10 thereof.

(a) paragraph 1 is replaced by the following:

‘2a. The competent authorities referred to in Article 5(6) of Regulation (EU) 2020/XXX shall have access to the EES to consult data.;

‘Access to the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20, Article 20a and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.

³⁸ **Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].**

Amendment 795

Tineke Strik

Proposal for a regulation

Article 17

Regulation (EU) 2017/2226

Article 6 – paragraph 1 – point 1, Article 9 – paragraphs 1 and 4

Text proposed by the Commission

Amendment

Article 17

deleted

*Amendments to Regulation (EU)
2017/2226*

Regulation (EU) 2017/2226 is amended as follows:

(1) In Article 6(1), the following point (1) is added:

“(1) support the objectives of the screening established by Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁸, in particular for the checks provided under Article 10 thereof.

(a) paragraph 1 is replaced by the following:

‘2a. The competent authorities referred to in Article 5(6) of Regulation (EU) 2020/XXX shall have access to the EES to consult data.;

‘Access to the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20, Article 20a and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.

³⁸ ***Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders***

and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

Amendment 796
Tineke Strik

Proposal for a regulation
Article 18
Regulation (EU) 2018/1240
Article 4 – point a, Article 13 – paragraph 5

Text proposed by the Commission

Amendment

Article 18

deleted

*Amendments to Regulation (EU)
2018/1240*

Regulation (EU) 2018/1240 is amended as follows:

(1) In Article 4, point (a) is replaced by the following:

“(a) contribute to a high level of security by providing for a thorough assessment of applicants as regards the risk they may pose to internal security, prior to their arrival at external border crossing points, and of persons subject to the screening referred to in Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁹ [Screening Regulation], in order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk;

‘5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 of this Article, and the competent authority referred to in Article 5(6) of Regulation (EU) 2020/XXX, and shall communicate a list of those authorities to eu-LISA without delay, in accordance with Article 87(2) of

this Regulation. That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in the ETIAS Information System in accordance with paragraphs 1, 2 and 4 of this Article.

³⁹ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

Amendment 797

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 18

Regulation (EU) 2018/1240

Article 4(a) – Article 13(5)

Text proposed by the Commission

Amendment

Article 18

deleted

*Amendments to Regulation (EU)
2018/1240*

Regulation (EU) 2018/1240 is amended as follows:

(1) In Article 4, point (a) is replaced by the following:

“(a) contribute to a high level of security by providing for a thorough assessment of applicants as regards the risk they may pose to internal security, prior to their arrival at external border crossing points, and of persons subject to the screening referred to in Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁹ [Screening Regulation], in

order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk;

‘5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 of this Article, and the competent authority referred to in Article 5(6) of Regulation (EU) 2020/XXX, and shall communicate a list of those authorities to eu-LISA without delay, in accordance with Article 87(2) of this Regulation. That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in the ETIAS Information System in accordance with paragraphs 1, 2 and 4 of this Article.

³⁹ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

Amendment 798

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation

Article 19 – paragraph 1 – point 1

Regulation (EU) 2019/817

Article 17

Text proposed by the Commission

A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the

Amendment

A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the

data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Article 20 and 20a, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22.

data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Article 20 and 20a, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22. ***For the purposes of Regulation(EU) No XXX/XXX [Screening Regulation] the query of the CIR shall only check against the EES, the VIS and the Eurodac.***

Or. en

Amendment 799
Tineke Strik

Proposal for a regulation
Article 19 – paragraph 1 – point 2
Regulation (EU) 2019/817
Article 20a – introductory part

Text proposed by the Commission

Access to the common identity repository for identification according to Regulation (EU) 2020/XXX

Amendment

Access to the common identity repository for identification according to Regulation (EU) 2020/XXX ***[Regulation on Screening]***

Or. en

Amendment 800
Tineke Strik

Proposal for a regulation
Article 19 – paragraph 1 – point 2
Regulation (EU) 2019/817
Article 20a – paragraph 1

Text proposed by the Commission

1. Queries of the CIR shall be carried out by the designated competent authority as defined in Article 6(7) of Regulation (EU) 2020/XXX, solely for the purpose of identifying a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.

Amendment

1. Queries of the CIR shall be carried out by the designated competent authority as defined in Article 6(7) of Regulation (EU) 2020/XXX [**Regulation on Screening**], solely for the purpose of identifying a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.

Or. en

Amendment 801

Charlie Weimers, Laura Huhtasaari

**Proposal for a regulation
Article 20 – paragraph 1**

Text proposed by the Commission

[**Three years** after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Amendment

[After entry into force, the Commission shall report on the implementation of the measures set out in this Regulation **annually**.]

Or. en

Amendment 802

Tineke Strik

**Proposal for a regulation
Article 20 – paragraph 1**

Text proposed by the Commission

[**Three years** after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Amendment

[**One year** after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Or. en

Amendment 803

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

[**Three years** after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Amendment

[**18 months** after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Or. en

Amendment 804

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

[**Three** years after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Amendment

[**Two** years after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation. ***The Report shall be also presented to the European Parliament and shall be public.***]

Or. en

Amendment 805

Tineke Strik

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

No sooner than [**five**] years after the date of application of this Regulation, and every **five** years thereafter, the Commission shall

Amendment

No sooner than [**two**] years after the date of application of this Regulation, and every **two** years thereafter, the Commission

carry out an evaluation of this Regulation. The Commission shall present a Report ***on the main findings*** to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the ***[five]*** years' time limit expires.

shall carry out an evaluation of this Regulation. The Commission shall present a Report to the European Parliament, the Council and the European Economic and Social Committee ***on its main findings, including the impact of the provisions of this Regulation on the fundamental rights and freedoms enshrined in the EU Charter of fundamental rights, as well as their added value vis-à-vis the EU asylum and Schengen acquis as a whole.*** Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the time limit expires.

Or. en

Amendment 806

Pernando Barrena Arza, Konstantinos Arvanitis, Cornelia Ernst, Sira Rego, Miguel Urbán Crespo, Anne-Sophie Pelletier
on behalf of the The Left Group

Proposal for a regulation **Article 20 – paragraph 2**

Text proposed by the Commission

No sooner than ***[five]*** years after the date of application of this Regulation, and every ***five*** years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the ***[five]*** years' time limit expires.

Amendment

No sooner than ***[two]*** years after the date of application of this Regulation, and every ***two*** years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee ***on its main findings, including the impact of the provisions of this Regulation on the fundamental rights and freedoms enshrined in the EU Charter of fundamental rights, as well as their added value vis-à-vis the EU asylum and Schengen acquis as a whole.*** Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the ***[two]*** years' time limit expires.

Amendment 807

Jan-Christoph Oetjen, Moritz Körner, Dragoş Tudorache, Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Michal Šimečka, Malik Azmani, Sophia in 't Veld

**Proposal for a regulation
Article 20 – paragraph 2**

Text proposed by the Commission

No sooner than [*five*] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [*five*] years' time limit expires.

Amendment

No sooner than [*three*] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [*five*] years' time limit expires.