DRAFT REPORT

on the proposal for a Council regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 (COM(2021)0278 – C9-0349/2021 – 2021/0140(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sara Skyttedal
Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

on the proposal for a Council regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 (COM(2021)0278 – C9-0349/2021 – 2021/0140(CNS))

(Special legislative procedure – consultation)

The European Parliament,

– having regard to the Commission proposal to the Council (COM(2021)0278),
– having regard to Article 70 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0349/2021),
– having regard to the contributions submitted by the Czech Senate, the Spanish Parliament, the Portuguese Parliament and the Romanian Senate on the draft legislative act,
– having regard to Rule 82 of its Rules of Procedure,
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2021),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 5

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mechanism should achieve these goals through objective and impartial evaluations that are able to quickly identify deficiencies in the application of the Schengen acquis that could disrupt the correct functioning of the Schengen area, ensure that these deficiencies are swiftly addressed, and provide the basis for a dialogue on the functioning of the Schengen area as a whole. This requires close cooperation between the Member States and the Commission, a balanced distribution of shared responsibilities and maintaining the peer review nature of the system. It also requires a closer involvement of the European Parliament. Given the extent of the changes, Regulation (EU) No 1053/2013 should be repealed and replaced by a new Regulation.

Amendment 2
Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The correct functioning of the authorities that apply the Schengen acquis should be taken into account in all the evaluations in line with the European Council conclusions of 1 and 2 March 2012. The evaluation should also cover the practices of private entities, such as airlines or external service providers, as far as they are involved in or affected by the implementation of the Schengen acquis while cooperating with the Member States. Equally, given the increasing role of Union bodies, offices and agencies in the implementation of the Schengen acquis, the evaluation and monitoring mechanism should support the verification of the activities of these Union bodies, offices

Amendment

(7) The correct functioning of the authorities that apply the Schengen acquis should be taken into account in all the evaluations in line with the European Council conclusions of 1 and 2 March 2012. The evaluation should also cover the practices of private entities, such as airlines or external service providers, as far as they are involved in or affected by the implementation of the Schengen acquis while cooperating with the Member States. Equally, given the increasing role of Union bodies, offices and agencies in the implementation of the Schengen acquis, the evaluation and monitoring mechanism should support the verification of the activities of these Union bodies, offices.
and agencies in so far as they perform functions on behalf of the Member States to assist in the operational application of provisions of the Schengen acquis. Verification of these activities in this regard should be embedded into the evaluation of the Member States and carried out without prejudice to and in full respect of the responsibilities attributed to the Commission and to the relevant governing bodies of the agencies, offices and bodies concerned by their establishing regulations and their own evaluation and monitoring procedures therein. Should evaluations identify deficiencies in relation to functions fulfilled or supported by Union bodies, offices and agencies, the Commission should inform their relevant governing bodies.

Amendment 3

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The vulnerability assessment carried out by Frontex is a complementary mechanism to the evaluation and monitoring mechanism established by this Regulation for guaranteeing quality control at Union level and ensuring constant preparedness at both Union and national levels to respond to any challenges at the external border. Both mechanisms constitute a component of the European Integrated Border Management. Synergies between the vulnerability assessment and the evaluation and monitoring mechanism should be maximised with a view to establishing an improved situational picture of the functioning of the Schengen area, avoiding, to the extent possible, duplication of efforts and conflicting

Amendment

(9) The vulnerability assessment carried out by Frontex is a complementary mechanism to the evaluation and monitoring mechanism established by this Regulation for guaranteeing quality control at Union level and ensuring constant preparedness at both Union and national levels to respond to any challenges at the external border. That vulnerability assessment should feed into the annual evaluation programme, thus ensuring an up-to-date situational awareness. Both mechanisms constitute a component of the European Integrated Border Management. Synergies between the vulnerability assessment and the evaluation and monitoring mechanism should be maximised with a view to establishing an
recommendations. For that purpose, regular exchange of information between Frontex and the Commission on the results of both mechanisms should take place. Increasing the strategic focus and more targeted evaluation design also requires increasing synergies further with the relevant mechanisms and platforms operated by Union agencies and national administrations, such as the European Multidisciplinary Platform Against Criminal Threats (‘EMPACT’) or the oversight conducted by the Commission with the support of eu-LISA as regards the preparation of the Member States for the implementation of relevant IT systems as well as the findings of the national quality control mechanisms.

improved situational picture of the functioning of the Schengen area, avoiding, to the extent possible, duplication of efforts and conflicting recommendations. For that purpose, regular exchange of information between Frontex and the Commission on the results of both mechanisms should take place. Increasing the strategic focus and more targeted evaluation design also requires increasing synergies further with the relevant mechanisms and platforms operated by Union agencies and national administrations, such as the European Multidisciplinary Platform Against Criminal Threats (‘EMPACT’) or the oversight conducted by the Commission with the support of eu-LISA as regards the preparation of the Member States for the implementation of relevant IT systems as well as the findings of the national quality control mechanisms.

Or. en

Amendment 4
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Unannounced visits, being one of the most effective tools to verify Member States practices, should, depending on their purpose, take place without prior notification to the Member State concerned or with only short prior notification. Unannounced visits without prior notification should take place for ‘investigative’ purposes in order to verify compliance with obligations under the Schengen acquis, including, in response to indications as regards the emergence of systemic problems that could potentially have a significant impact on the functioning of the Schengen area or to fundamental rights violations, in particular

Amendment

(14) Unannounced visits, being one of the most effective tools to verify Member States practices, should take place without prior notification to the Member State concerned. Unannounced visits should take place for ‘investigative’ purposes in order to verify compliance with obligations under the Schengen acquis, including, in response to indications as regards the emergence of systemic problems that could potentially have a significant impact on the functioning of the Schengen area or to fundamental rights violations, in particular allegations of serious violations of fundamental rights at the external borders.
allegations of serious violations of fundamental rights at the external borders. *In such cases, the provision of advance notice would defeat the objective of the visit. Unannounced visits with a 24-hour advance notice should take place if the main purpose of the visit is to carry out a random check of the Member State’s implementation of the Schengen acquis.*

Amendment 5

Proposal for a regulation
Recital 14 a (new)

*Text proposed by the Commission*

(14a) A maximum of 24 hours’ notice should be given to a Member State prior to a short notice visit, which is a complementary tool. A short-notice visit should take place only where the main purpose of the visit is to carry out a random check of the implementation of the Schengen acquis by a Member State.

Amendment 6

Proposal for a regulation
Recital 15

*Text proposed by the Commission*

(15) Programming the activities carried out under this Regulation via multiannual and annual evaluation programmes has already proven its added value to ensure predictability and certainty. Therefore, the Commission, in cooperation with the Member States should adopt multiannual and annual evaluation programmes. These

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programmes should also provide the necessary flexibility to be able to adapt to the dynamic nature of the Schengen acquis over time. In the event of force majeure adjustments to the programmes should be made in agreement with the Member States concerned without the need for a formal amendment of the programmes. The multiannual evaluation programme, adopted for seven years, should identify the specific priority areas to be covered by the periodic evaluations. This approach should allow for more flexibility, better prioritisation and a more balanced and strategic use of all tools available. The extension of the multiannual evaluation programme from five to seven years should also lead to an increased, closer and more targeted monitoring of the Member States without reducing the level of scrutiny.

Amendment 7
Proposal for a regulation
Recital 16

*Text proposed by the Commission*

(16) Evaluation and monitoring activities should be carried out by teams consisting of Commission representatives and experts designated by Member States. These representatives and experts should have appropriate qualifications, including a solid theoretical knowledge and practical experience. In order to ensure the participation of sufficient number of experienced experts in a faster and less burdensome way, a pool of experts should be established and maintained by the

*Amendment*

(16) Evaluation and monitoring activities should be carried out by teams consisting of Commission representatives, experts designated by Member States and Union observers. These representatives, experts or observers should have appropriate qualifications, including a solid theoretical knowledge and practical experience. In order to ensure the integrity of evaluation reports drawn by teams following an evaluation, where the activities of a Union body, office or
Commission in close cooperation with the Member States. The pool should be the primary source of experts for evaluation and monitoring activities. 

agency involved in the implementation of the Schengen acquis are evaluated together with the authorities of a Member State, Union observers should not have any conflict of interest. In order to ensure the participation of sufficient number of experienced experts in a faster and less burdensome way, a pool of experts should be established and maintained by the Commission in close cooperation with the Member States. The pool should be the primary source of experts for evaluation and monitoring activities.

Or. en

Amendment 8
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) The identification of a serious deficiency requires a thorough case-by-case assessment on the basis of clear criteria regarding the nature, scale and potential impact of the problems, which may be different for each policy area. Different key elements for the effective implementation of the Schengen acquis and different combination of factors could lead to the classification of a finding as a serious deficiency. However, if it is considered that a shortcoming identified is or in a short-term has the potential of putting the overall functioning of the area without internal border control at risk, or have a significant negative impact on the rights of individuals, such shortcoming is to be regarded as a serious deficiency. Where a serious deficiency in the carrying out of external border control is identified in an evaluation report, Articles 21 and 29 of Regulation (EU) 2016/399 of the European Parliament and of the Council

Amendment

(23) The identification of a serious deficiency requires a thorough case-by-case assessment on the basis of clear criteria regarding the nature, scale and potential impact of the problems, which may be different for each policy area. Different elements for the effective implementation of the Schengen acquis and different combination of factors could lead to the classification of a finding as a serious deficiency. However, if it is considered that a shortcoming identified is or in a short-term has the potential of putting the overall functioning of the area without internal border control at risk, or have a significant negative impact on the rights of individuals, such shortcoming is to be regarded as a serious deficiency. Where a serious deficiency in the carrying out of external border control is identified in an evaluation report, Articles 21 and 29 of Regulation (EU) 2016/399 of the European Parliament and of the Council
Amendment 9
Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission
(d) ‘unannounced evaluation’ means an evaluation, which is not included in the multiannual and annual evaluation programmes, to verify the application of the Schengen acquis by one or more Member States in one or more policy fields;

Amendment
(d) ‘unannounced evaluation’ means an evaluation, which is conducted without any prior notice and is not included in the multiannual and annual evaluation programmes, to verify the application of the Schengen acquis by one or more Member States in one or more policy fields;

Amendment 10
Proposal for a regulation
Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission
(fa) ‘short-notice visit’ means a visit, which is conducted with a maximum 24-hour advance notice for the purposes of carrying out a random check of the implementation of the Schengen acquis by a Member State;

Amendment
(fa) ‘short-notice visit’ means a visit, which is conducted with a maximum 24-hour advance notice for the purposes of carrying out a random check of the implementation of the Schengen acquis by a Member State;

Amendment 11
Proposal for a regulation
Article 2 – paragraph 1 – point i
(i) ‘serious deficiency’ means one or more deficiencies which concern the effective application of key elements of the Schengen acquis and which individually or in combination, have, or risk to have over time, a significant negative impact on the rights of individuals or on the functioning of the Schengen area;

Amendment

(i) ‘serious deficiency’ means one or more deficiencies which concern the effective application of the Schengen acquis and which individually or in combination, have, or risk to have over time, a significant negative impact on the rights of individuals or on the functioning of the Schengen area;

Or. en

Amendment 12

Proposal for a regulation
Article 2 – paragraph 1 – point k a (new)

Text proposed by the Commission

(ka) ‘Union observer’ means a person designated by a Union institution, body, office or agency as referred to in Article 7(1) participating in an evaluation or monitoring activity.

Amendment

The Commission shall bear the travel and accommodation costs for experts and observers referred to in Article 16(2) participating in the visits.

The Commission shall bear the travel and accommodation costs for experts, observers as referred to in Article 16(2) and Union observers participating in the visits.

Or. en

Amendment 13

Proposal for a regulation
Article 3 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Commission shall bear the travel and accommodation costs for experts and the observer referred to in Article 16(2) participating in the visits.
Amendment 14
Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission
(b) when it becomes aware of emerging or systemic problems that could potentially have a significant negative impact on the functioning of the Schengen area;

Amendment
(b) when it becomes aware of emerging or systemic problems that could potentially have a significant negative impact on the functioning of the Schengen area, including circumstances that could give rise to internal security threats.

Or. en

Amendment 15
Proposal for a regulation
Article 6 – subparagraph 1

Text proposed by the Commission
Evaluations and monitoring activities referred to in Articles 4 and 5 may be carried out by means of announced or unannounced visits, and questionnaires or other remote methods.

Amendment
Evaluations and monitoring activities referred to in Articles 4 and 5 may be carried out by means of announced, short-notice or unannounced visits, and questionnaires or other remote methods where physical visits are not deemed necessary.

Or. en

Amendment 16
Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission
The Commission may enter into arrangements with the Union bodies, offices and agencies to facilitate the cooperation.

Amendment
The Commission shall enter into arrangements with the Union bodies, offices and agencies to facilitate the cooperation.
Amendment 17
Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. By 31 August each year, Frontex shall submit to the Commission and the Member States a risk analysis in view to the annual evaluation programme referred to in Article 13 of this Regulation.

Amendment

1. By 31 August each year, Frontex shall submit to the Commission and the Member States risk analyses in view to the annual evaluation programme referred to in Article 13 of this Regulation.

Amendment 18
Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The risk analysis referred to in paragraph 1 shall cover all relevant aspects related to integrated border management and it shall also contain recommendations for unannounced visits in the following year, irrespective of the order of Member States to be evaluated each year, as established in the multiannual evaluation programme in accordance with Article 12.

Amendment

The risk analyses referred to in paragraph 1 shall cover all relevant aspects related to integrated border management and it shall also contain recommendations for unannounced or short-notice visits in the following year, irrespective of the order of Member States to be evaluated each year, as established in the multiannual evaluation programme in accordance with Article 12.

Amendment 19
Proposal for a regulation
Article 10 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission may share with relevant

Amendment

The Commission shall share with relevant
national and Union bodies, offices and agencies referred to in paragraph 1 in a secure and timely manner details of evaluation reports, action plans and updates on the implementation of the action plans.

Such information sharing shall ensure enhanced situational awareness on the part of, and an enhanced operational response by, those bodies, offices and agencies.

Amendment 20
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission
In the programming and implementation of the evaluations and monitoring activities, the Commission shall take into account information provided by third parties, including independent authorities, non-governmental organisations and international organisations.

Amendment
In the programming and implementation of the evaluations and monitoring activities, the Commission may take into account information provided by relevant third parties operating on the ground, including independent authorities, non-governmental organisations and international organisations. Where the evaluation confirms shortcomings highlighted by third parties in the information they provide, Member States shall have the opportunity to comment.

Amendment 21
Proposal for a regulation
Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission
In each multiannual evaluation cycle, each Member State shall undergo one periodic evaluation and at least one unannounced

Amendment
In each multiannual evaluation cycle, each Member State shall undergo one periodic evaluation and at least one unannounced
evaluation or thematic evaluation. evaluation or short-notice visit, as well as one or more thematic evaluations.

Amendment 22
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall establish, by means of an implementing act, an annual evaluation programme by 15 November of the year preceding that to which the programme relates, based in particular on the general annual risk analysis, strategic risk analysis for European integrated border management and on the vulnerability assessment by Frontex and other risk analyses as well as other relevant information obtained by the Commission in accordance with Articles 7, 8, 9, 10 and 11. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(3).

Amendment

1. The Commission shall establish, by means of an implementing act, an annual evaluation programme by 15 November of the year preceding that to which the programme relates, based in particular on the general annual risk analysis and other information obtained by the Commission in accordance with Articles 7, 8, 9, 10 and 11. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(3).

Amendment 23
Proposal for a regulation
Article 16 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The Commission, in cooperation with relevant Union bodies, offices or agencies, shall keep up to date the initial training curricula and where needed provide follow-up and refresher training.

Amendment

The Commission, in cooperation with the Member States and relevant Union bodies, offices or agencies, shall keep up to date the initial training curricula and where needed provide follow-up and refresher training.
Amendment 24
Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission
2. For training purposes, each team carrying out periodic evaluations may include an ‘observer’ either from a Member State or the Commission.

Amendment
2. For training purposes, each team carrying out periodic evaluations may include an observer from a Member State, from the Commission or from a Union body, office or agency involved in the implementation of the Schengen acquis.

Amendment 25
Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission
4. In the case of unannounced visits, the Commission shall send the invitations no later than two weeks before the visit is scheduled to commence. Experts shall respond within 72 hours of receiving the invitation, in agreement with their designating authorities.

Amendment
4. In the case of unannounced or short-notice visits, the Commission shall send the invitations no later than two weeks before the visit is scheduled to commence. Experts shall respond within 72 hours of receiving the invitation, in agreement with their designating authorities.

Amendment 26
Proposal for a regulation
Article 18 – paragraph 6 a (new)
Text proposed by the Commission

6a. The Commission shall invite the European Parliament to send a representative to observe revisits as a Union observer.

Amendment

Or. en

Amendment 27

Proposal for a regulation
Article 18 – paragraph 8

Text proposed by the Commission

8. If the Commission fails to obtain confirmation of the participation of the required number of experts from the pool at least six weeks before the evaluation or monitoring activity is scheduled to commence, or at least one week in case of unannounced visits, the Commission shall without delay invite all Member States to nominate qualified experts outside from the pool for the missing places.

Amendment

8. If the Commission fails to obtain confirmation of the participation of the required number of experts from the pool at least six weeks before the evaluation or monitoring activity is scheduled to commence, or at least one week in case of unannounced or short-notice visits, the Commission shall without delay invite all Member States to nominate qualified experts outside from the pool for the missing places.

Or. en

Amendment 28

Proposal for a regulation
Article 19 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Unannounced visits shall take place without prior notification to the Member State concerned. By way of exception, the Commission may notify the Member State concerned at least 24 hours before such visit is to take place when the main purpose of the unannounced visit is a

Amendment

Unannounced visits shall take place without prior notification to the Member State concerned.
random verification of the implementation of the Schengen acquis.

Amendment 29
Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

5. The Commission, in close cooperation with the Member States, may establish and update Guidelines for conducting unannounced visits.

Amendment

5. The Commission, in close cooperation with the Member States, may establish and update Guidelines for conducting unannounced or short-notice visits.

Amendment 30
Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Member States, may establish guidelines for conducting evaluation and monitoring activities by questionnaire or other remote methods.

Amendment

The Commission, in cooperation with the Member States, may establish guidelines for conducting evaluation and monitoring activities by questionnaire, or other remote methods, as complementary evaluation methods. Remote methods shall only be used where physical visits are not deemed necessary.

Amendment 31
Proposal for a regulation
Article 21 – paragraph 2 a (new)
2a. Where the activities of a Union body, office or agency involved in the implementation of the Schengen acquis are evaluated together with the authorities of a Member State, Union observers shall not have any conflict of interest.

Amendment

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

5. The evaluation report shall contain recommendations for remedial actions aimed at addressing the deficiencies and areas for improvement identified during the evaluation and give an indication of the priorities for implementing them. The evaluation report may set deadlines for the implementation of recommendations. Where the evaluation identifies a serious deficiency, the specific provisions set out in Article 23 shall apply.

Amendment

5. The evaluation report shall contain recommendations for remedial actions aimed at addressing the deficiencies and areas for improvement identified during the evaluation and give an indication of the priorities for implementing them. The evaluation report shall set deadlines for the implementation of recommendations. Where the evaluation identifies a serious deficiency, the specific provisions set out in Article 23 shall apply.

Amendment 33

Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission

6a. Where the draft evaluation report also includes findings related to the activities of a Union body, office or agency involved in the implementation of the Schengen acquis, the procedure set
out in paragraph 6 shall apply mutatis mutandis.

Or. en

Amendment 34

Proposal for a regulation
Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

After consulting the team, which has carried out the evaluation activity, the Commission shall provide observations on the adequacy of the action plan and, within one month from its submission, shall inform the evaluated Member State about its observations. The Council may invite Member States to provide comments on the action plan.

Amendment

After consulting the team, which has carried out the evaluation activity, the Commission shall provide observations on the adequacy of the action plan and, within one month from its submission, shall inform the evaluated Member State about its observations. The Council shall invite other Member States to comment on the action plan in the framework of political dialogue.

Or. en

Amendment 35

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The evaluated Member State shall take immediate remedial actions including, where necessary, mobilising all available operational and financial means. The evaluated Member State shall inform without delay the Commission and the Member States about the immediate remedial actions taken or planned. In parallel, the Commission shall inform the respective Union bodies, offices and agencies referred to in Article 7 of the serious deficiency in view of their possible support to the evaluated Member State.

Amendment

The evaluated Member State shall take immediate remedial actions including, where necessary, mobilising all available operational and financial means. The evaluated Member State shall inform without delay the Commission and the Member States about the immediate remedial actions taken or planned. In parallel, the Commission shall inform the respective Union bodies, offices and agencies referred to in Article 7 of the serious deficiency in view of their possible support to the evaluated Member State.
The Commission shall also inform the Council and the European Parliament.

The Commission shall also **immediately** inform the Council and the European Parliament.

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**Amendment 36**

**Proposal for a regulation**

**Article 23 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

The Council shall set time limits for the implementation of the recommendations related to a serious deficiency and specify the frequency of the reporting by the evaluated Member State to the Commission and the Council on the implementation of its action plan.

*Amendment*

The Council shall **urgently discuss the matter and** set time limits for the implementation of the recommendations related to a serious deficiency and specify the frequency of the reporting by the evaluated Member State to the Commission and the Council on the implementation of its action plan.

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**Amendment 37**

**Proposal for a regulation**

**Article 23 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

The evaluated Member State shall submit to the Commission and the Council its action plan within one month of the adoption of the recommendations. The Commission shall transmit that action plan to the European Parliament.

*Amendment*

The evaluated Member State shall submit to the Commission and the Council its action plan within one month of the adoption of the recommendations. The Commission shall transmit that action plan to the European Parliament **without delay**.
Amendment 38
Proposal for a regulation
Article 23 – paragraph 8

Text proposed by the Commission

8. The Council shall express its position on the report.

Amendment

8. The Council shall express its position on the report and may invite the Commission to submit a proposal for recommendations for remedial actions aimed at addressing serious persisting deficiencies identified in the revisit report. Where the Commission submits such a proposal, paragraphs 6 and 7 shall apply.

Or. en