# EUROPEAN PARLIAMENT

*2004* *2009*

*Committee on Foreign Affairs*

**2005/0047(COD)**

23.3.2006

# OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a decision of the European Parliament and of the Council establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows'
(COM(2005)0123 – C6-0125/2005 – 2005/0047(COD))

Draftsperson: Tatjana Ždanoka

PA_Leg

## SHORT JUSTIFICATION

The main body of the proposal for a decision creating the External Borders Fund is of a technical nature, reaching beyond the terms of reference of the Committee on Foreign Affairs. However, reinforcing the external dimension of the area of freedom, security, prosperity and justice of the EU and its neighbouring countries is a matter at the heart of the European foreign policy. It goes without saying that the success of the Union's policy as regards its external borders depends on the effectiveness of co-operation with the countries it has these borders with.

Your draftsperson supports the proposed structure of the framework programme and stresses that the funds should form a coherent package. Further, a coherent and global approach to EU migration policy presupposes complementarity and synergy between all related internal regulatory instruments, as well as the new external policy instruments, in particular with the ENPI and a new thematic programme providing assistance to the third countries.

The Fund should promote a wide variety of co-operation between the Member States, between the authorities dealing with border guard as well as visas, including common consular offices as a gradual evolvement. Stress should be put on the introduction of innovative measures as regards the new technology, surveillance equipment, and the security of travel documents.

## AMENDMENTS

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

| Text proposed by the Commission[1] | Amendments by Parliament |
|---|---|
| | Amendment 1<br>Recital 4 a (new) |
| | ***(4a) Community legislation on border control, in particular Regulation (EC) No /2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the*** |

[1] Not yet published in OJ.

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|---|---|
| | ***rules governing the movement of persons across borders (Schengen Borders Code), provides for border checks to help combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, while at the same time providing for border checks to be carried out in such a way as to fully respect human rights and dignity.*** |

Amendment 2
Article 2, paragraph 1, point (a)

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|---|---|
| (a) 'external borders' means the ***external borders of the Member States***, whether ***they are*** temporary or not; | (a) 'external borders' means the ***Member States' external land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports***, whether temporary or not; |

*Justification*

*Article 2 should define the external borders of the Union according to the Schengen Borders Code.*

Amendment 3
Article 3, paragraph 1, point (b)

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| (b) efficient management of the flows of persons at the external borders by the Member States, in order to ensure, on the one hand, a high level of protection at the external borders for the internal security and, on the other, a smooth crossing of the external borders by bona fide travellers in conformity with the Schengen acquis; | (b) efficient management of the flows of persons at the external borders by the Member States, in order to ensure, on the one hand, a high level of protection at the external borders for the internal security and, on the other, a smooth crossing of the external borders by bona fide travellers in conformity with the Schengen acquis***, while fully respecting human rights and dignity in accordance with the international obligations on human rights protection as enshrined, in particular, in the Geneva Convention Relating to the Status of Refugees and the European Convention on Human Rights***; |

Amendment 4
Article 3, paragraph 1, point (c)

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| (c) uniform application of the law of the European Union by the Member States and overall efficiency of national border guards in the carrying out of their tasks in accordance with the law of the European Union at the external borders; | (c) uniform application of the law of the European Union by the Member States and overall efficiency of national border guards in the carrying out of their tasks in accordance with the law of the European Union ***and the international human rights obligations*** at the external borders; |

Amendment 5
Article 3, paragraph 1, point (d)

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| (d) improvement of the management of activities organised by the consular services of the Member States in third countries and the cooperation between Member States thereof. | (d) improvement of the management of activities organised by the consular services of the Member States in third countries and the cooperation between Member States thereof***, as well as the promotion of cooperation between Member States' consular services and the relevant international organisations such as the UNHCR and the International Organization for Migration (IOM), particularly in neighbouring countries***. |

Amendment 6
Article 4, paragraph 1, point (d)

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| (d) Ensuring adequate registration ***of the number*** of persons crossing at all types of external borders (land, air, sea); | (d) Ensuring adequate registration of persons crossing at all types of external borders (land, air, sea); |

Amendment 7
Article 4, paragraph 1, point (f a) (new)

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| | ***(fa) Enhancement of cooperation between the border guard and border surveillance authorities, with a view to the gradual establishment of common rapid reaction*** |

***units;***

*Justification*

*Co-operation between Member States' relevant authorities and establishment of common units would contribute to adequate protection of the external borders.*

Amendment 8
Article 4, paragraph 1, point (g)

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| (g) Improvement of the capacity and the qualifications of national border guards in executing their surveillance and control tasks; | (g) Improvement of the capacity and the qualifications of national border guards in executing their surveillance***, advisory*** and control tasks; |

Amendment 9
Article 4, paragraph 3, point (f a) (new)

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| | ***(fa) Development of innovative technologies, in particular support for new technologies for border surveillance and data-based registration systems.*** |

*Justification*

*The Community funds should be invested into innovative and new technologies for border surveillance and data based registration systems.*

Amendment 10
Article 4, paragraph 4, point (h)

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| (h) Development of common consular offices ***according to the*** policy ***evolution*** in this field. | (h) Development of common consular offices ***at the Commission delegations to the third countries for those Member States that so wish, in accordance with*** policy ***developments*** in this field. |

*Justification*

*Consideration should be given to the possibility that the Commission delegations assume gradually consular functions in some third countries for those Member States who wish so. Such a common consular service would be of genuine service to European citizens.*

Amendment 11
Article 5, paragraph 1, point (b)

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| (b) Infrastructures and buildings required for surveillance between border crossing points; | (b) Infrastructures and buildings required for ***the*** surveillance***, admission and temporary stay of third-country nationals who have illegally crossed borders ,*** between border crossing points; |

Amendment 12
Article 5, paragraph 1, point (h)

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| (h) Training and education of staff in relevant authorities; | (h) Training and education of staff in relevant authorities***, including language education and international humanitarian law***; |

Amendment 13
Article 7, paragraph 1

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| 1. At the Commission's initiative, up to ***2%*** of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole ("Community actions") concerning the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the co-operation between Member States thereof and the objective of promoting the progressive inclusion of the customs, veterinary, phyto-sanitary controls in integrated border management activities according to the policy evolution in this field. | 1. At the Commission's initiative, up to ***5%*** of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole ("Community actions") concerning the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the co-operation between Member States thereof and the objective of promoting the progressive inclusion of the customs, veterinary, phyto-sanitary controls in integrated border management activities according to the policy evolution in this field. |

*Justification*

*A higher percentage of the Fund's available resources is necessary for further Community cooperation in implementing Community law and good practices as well as to support the setting-up of transnational cooperation networks designed to stimulate innovation, facilitate exchange of experience and good practice, contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the development of statistical tools, methods and common indicators..*

Amendment 14
Article 8, paragraph 2

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| 2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. ***This consistency shall be indicated*** in particular ***in*** the multiannual programme referred to in Article 20. | 2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community ***and*** in particular ***with*** the multiannual programme referred to in Article 20. ***The actions referred to in paragraph 1 shall be carried out in synergy with the Union's external assistance instruments, in particular with the European Neighbourhood Policy Instrument.*** |

*Justification*

*The new ENPI regulation foresees cooperation in the field of justice and home affairs, including on issues such as asylum and migration and the fight against and prevention of terrorism and organised crime. A new thematic programme to be addressing challenges common to the neighbouring countries and the Member States should be complementary to the Funds, which address the internal policies and create a solidarity mechanism between the Member States.*

## PROCEDURE

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|---|---|
| Title | Proposal for a decision of the European Parliament and of the Council establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' |
| References | COM(2005)0123 – C6-0125/2005 – 2005/0047(COD) |
| Committee responsible | LIBE |
| Committee asked for its opinion<br>Date announced in plenary | AFET<br>22.6.2005 |
| Enhanced cooperation | |
| Draftswoman<br>Date appointed | Tatjana Ždanoka<br>21.7.2005 |
| Discussed in committee | 23.2.2006 20.3.2006 |
| Date amendments adopted | 21.3.2006 |
| Result of final vote | for: 43<br>against: 5<br>abstentions: 3 |
| Members present for the final vote | Angelika Beer, Panagiotis Beglitis, André Brie, Elmar Brok, Philip Claeys, Véronique De Keyser, Giorgos Dimitrakopoulos, Ana Maria Gomes, Alfred Gomolka, Richard Howitt, Jana Hybášková, Toomas Hendrik Ilves, Michał Tomasz Kamiński, Helmut Kuhne, Vytautas Landsbergis, Emilio Menéndez del Valle, Francisco José Millán Mon, Pasqualina Napoletano, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Raimon Obiols i Germà, Cem Özdemir, Justas Vincas Paleckis, Alojz Peterle, Tobias Pflüger, João de Deus Pinheiro, Mirosław Mariusz Piotrowski, Hubert Pirker, Paweł Bartłomiej Piskorski, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Jacek Emil Saryusz-Wolski, György Schöpflin, Gitte Seeberg, Marek Maciej Siwiec, István Szent-Iványi, Konrad Szymański, Charles Tannock, Inese Vaidere, Ari Vatanen, Karl von Wogau, Luis Yañez-Barnuevo García, Josef Zieleniec |
| Substitutes present for the final vote | Alexandra Dobolyi, Glyn Ford, Patrick Gaubert, Jaromír Kohlíček, Miguel Angel Martínez Martínez, Aloyzas Sakalas, Pierre Schapira, Tatjana Ždanoka |
| Substitutes under Rule 178(2) present for the final vote | |