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Committee on Civil Liberties, Justice and Home Affairs

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AMENDMENTS
1 - 31

Draft report
Jeanine Hennis-Plasschaert
(PE415.255v02-00)

on the next steps in border management in the European Union and similar experiences in third countries
(2008/2181(INI))

AM_Com_NonLegReport

Amendment 1
Marian-Jean Marinescu

Motion for a resolution
Recital A a (new)

Motion for a resolution	*Amendment*
	Aa. whereas the European Union and its Member States face enormous pressure from illegal immigration, as people from third countries seek to come here, often at risk to their lives and by relying on human smugglers,

Or. en

Amendment 2
Marian-Jean Marinescu

Motion for a resolution
Recital B a (new)

Motion for a resolution	*Amendment*
	Ba. whereas the threat posed by international terrorism and cross-border crime requires the strengthening of the border security by ensuring the coordination of Member States' action regarding the management of the external borders,

Or. en

Amendment 3
Marian-Jean Marinescu

Motion for a resolution
Recital B b (new)

Motion for a resolution	*Amendment*
	Bb. whereas cooperation with third countries' border security authorities is a priority within general EU external policy and is targeted at sustainable partnership,

Or. en

Amendment 4
Marian-Jean Marinescu

Motion for a resolution
Recital B c (new)

Motion for a resolution	*Amendment*
	Bc. whereas the EU external border is crossed every year by 160 million EU citizens, 60 million third country nationals not requiring a visa, and 80 million requiring a visa,

Or. en

Amendment 5
Marian-Jean Marinescu

Motion for a resolution
Recital B d (new)

Motion for a resolution	*Amendment*
	Bd. whereas measures to enhance border security must go hand in hand with facilitation of passenger flows and promoting mobility in an increasingly globalised world,

Or. en

Amendment 6
Marian-Jean Marinescu

Motion for a resolution
Recital C a (new)

Motion for a resolution	*Amendment*
	Ca. whereas the operability and reliability of existing instruments such as SIS II are being called into question and their assessment will decide whether the system will be abandoned or not,

Or. en

Amendment 7
Jeanine Hennis-Plasschaert

Motion for a resolution
Paragraph 1

Motion for a resolution	*Amendment*
1. Is aware that the so-called 'overstayers', who are central to the proposed entry/exit system, are supposed to represent the biggest category of illegal immigrants in the EU; requests, however, more information on the data collected by an external contractor proving that 'there were up to 8 million illegal immigrants within the EU in 2006';[1] insists furthermore on a clear definition of the term 'overstayer', including the possible exemptions under specific conditions;	1. Is aware that the so-called 'overstayers', who are central to the proposed entry/exit system, are supposed to represent the biggest category of illegal immigrants in the EU; requests, however, more information on the data collected by an external contractor proving that 'there were up to 8 million illegal immigrants within the EU in 2006'[1]; insists furthermore on a clear definition of the term 'overstayer', including the possible exemptions under specific conditions***, and a closer qualitative and quantitative analysis on the threats/risks/costs they bring to the European society***;

Or. en

[1] SEC(2008)0153.

Amendment 8
Roselyne Lefrançois

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. ***Points out that, although the proposed system and alert information might help to*** deter third-country nationals (TCNs) from overstaying, ***as well as provide data and information on patterns,*** further contact with law enforcement is still necessary for the individual who overstays his or her period of admission to be apprehended***, and therefore does not believe that the proposed system will put an end to the 'overstay' phenomenon as such***;	2. ***Is not convinced that the proposed system would*** deter third-country nationals (TCNs) from overstaying***, and believes that, on the contrary, it could encourage those whose situation has become irregular to remain on EU territory for fear of being arrested at the border; stresses, in addition, that*** further contact with law enforcement is still necessary for the individual who overstays his or her period of admission to be apprehended;

Or. fr

Amendment 9
Rareş-Lucian Niculescu

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. ***Points out*** that***, although*** the proposed system and alert information might help to deter third-country nationals (TCNs) from overstaying, as well as *provide* data and information on patterns***, further contact with*** law enforcement ***is still necessary for the individual who overstays his or her period of admission to be apprehended, and therefore does not believe that the proposed system will put an end to the 'overstay' phenomenon as such***;	2. ***Is aware*** that the proposed system and alert information might help ***to a significant extent*** to deter third-country nationals (TCNs) from overstaying, as well as *providing* data and information on patterns***; believes, however, that it is also necessary to establish a coherent and efficient system for passing the data collected to*** law enforcement ***agencies so that the necessary measures can be taken***;

Or. ro

Amendment 10
Rareş-Lucian Niculescu

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. ***Does not have sufficient*** information on how this system will be integrated in - and interact with the existing framework, on the possible changes that might be required to existing systems and on the actual costs generated by it***; is therefore of the opinion that the absolute necessity of implementing such a system remains doubtful***;	3. ***Asks the Commission to provide further information*** on how this system will be integrated in - and interact with the existing framework, on the possible changes that might be required to existing systems and on the actual costs generated by it;

Or. ro

Amendment 11
Roselyne Lefrançois

Motion for a resolution
Paragraph 3a (new)

Motion for a resolution	*Amendment*
	3a. Recalls that the correct functioning of the entry/exit system will depend both materially and operationally on the success of the VIS and SIS; points out that these two instruments are not yet fully operational and that it has thus not yet been possible to evaluate them properly; stresses that in the case of the SIS the prior tests of the national systems have thus far yielded negative results, since many of the Member States are not yet ready in technical terms;

Or. fr

Amendment 12
Roselyne Lefrançois

Motion for a resolution
Paragraph 4

Motion for a resolution	*Amendment*
4. Notes that, without a doubt and following the lessons learned in the US, it is more challenging to implement exit capability than entry, and in particular with regard to sea and land exit; has furthermore, following the same lessons learned, considerable concerns about the cost-effectiveness of such a system;	4. Notes that, without a doubt and following the lessons learned in the US, it is more challenging to implement exit capability than entry, and in particular with regard to sea and land exit; has furthermore, following the same lessons learned, considerable concerns about the cost-effectiveness of such a system***, since it requires major investment for results which so far do not appear to be of great usefulness for fighting either illegal immigration or crime***;

Or. fr

Amendment 13
Rareş-Lucian Niculescu

Motion for a resolution
Paragraph 4

Motion for a resolution	*Amendment*
4. Notes that, without a doubt and following the lessons learned in the US, it is more challenging to implement exit capability than entry, and in particular with regard to sea and land exit; ***has furthermore, following the same lessons learned, considerable concerns about the cost-effectiveness of such a system***;	4. Notes that, without a doubt and following the lessons learned in the US, it is more challenging to implement exit capability than entry, and in particular with regard to sea and land exit; ***calls on the Commission to provide additional information on the concrete possibilities of ensuring the proper performance of the proposed system***;

Or. ro

Amendment 14
Marian-Jean Marinescu

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution	*Amendment*
	4a. Acknowledges that a part of the data necessary to create an Entry/Exit system is already collected by the existing systems such as VIS, SIS, EURODAC. Therefore the further approach of the Commission should be based on the interconnection of the current systems and the extension of their functionalities, which would ensure collection and processing of additional data. Considers that, by using an integrated system, the cost-efficiency would be increased and the activity on the cross-border points would be more efficient;

Or. en

Amendment 15
Marian-Jean Marinescu

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution	*Amendment*
	4b. Asks the Commission to specify the further implications of detecting the 'over-stayers', notably regarding the competent authorities to whom this data will be sent or who will have access to such data and under what conditions;

Or. en

Amendment 16
Roselyne Lefrançois

Motion for a resolution
Paragraph 5

Motion for a resolution	*Amendment*
5. ***Supports in principle the concept of an*** RTP for TCNs, whether or not subject to visa requirements***, and the possible use of*** automated gates ***by*** EU citizens, since Community law as it stands does not allow the simplification of borders checks except in the case of TCNs residing in border areas;	5. ***Recognises that should an entry/exit system be established,*** an RTP for TCNs, whether or not subject to visa requirements***, would help speed up traveller flow and prevent congestion at entry and exit points; supports, in principle, the idea of using*** automated gates ***for*** EU citizens, since Community law as it stands does not allow the simplification of borders checks except in the case of TCNs residing in border areas;

Or. fr

Amendment 17
Marian-Jean Marinescu

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution	*Amendment*
	5. Suggests that the Automated Border Control System should be connected to the existing alert systems;

Or. en

Amendment 18
Marian-Jean Marinescu

Motion for a resolution
Paragraph 6

Motion for a resolution	*Amendment*
6. Criticises, however, the terminology	6. Criticises, however, the terminology

used in the Communication entitled 'Preparing the next steps in border management in the European Union' ('low-risk'/'bona fide' travellers), as it would imply that a huge number of travellers are considered *a priori* as 'high-risk' or 'mala fide';	used in the Communication entitled 'Preparing the next steps in border management in the European Union' ('low-risk'/'bona fide' travellers), as it would imply that a huge number of travellers are considered *a priori* as 'high-risk' or 'mala fide'***, and recommends the term "frequent travellers"***;
	Or. en

Amendment 19
Roselyne Lefrançois

Motion for a resolution
Paragraph 6a (new)

Motion for a resolution	*Amendment*
	6a. Is concerned that this programme could create a form of discrimination between travellers, especially if participation is made conditional on payment of a membership fee, as is the case in the US and the Netherlands;
	Or. fr

Amendment 20
Jeanine Hennis-Plasschaert

Motion for a resolution
Paragraph 7

Motion for a resolution	*Amendment*
7. Points out that several Member States have already set up or are preparing such an RTP ***programme***, and highlights the risk of ending up with a patchwork of twenty-seven systems based on different criteria, including those on data-protection and fees; is aware of the fact that the Netherlands, together with Germany, the	7. Points out that several Member States have already set up or are preparing such an RTP ***for TCNs***, and highlights the risk of ending up with a patchwork of twenty-seven systems based on different criteria, including those on data-protection and fees; is aware of the fact that the Netherlands, together with Germany, the

UK and FRONTEX, are seeking to promote the 'International Expedited Traveller Programme' as a possible blueprint for other Member States;	UK and FRONTEX, are seeking to promote the 'International Expedited Traveller Programme' as a possible blueprint for other Member States;

Or. en

Amendment 21
Jeanine Hennis-Plasschaert

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution	*Amendment*
	8a. Notes that in fact RTPs for TCNs are different from RTPs for EU-citizens; stresses therefore that a clear distinction between the two is made at all times;

Or. en

Amendment 22
Marian-Jean Marinescu

Motion for a resolution
Paragraph 9

Motion for a resolution	*Amendment*
9. Acknowledges that it would be unwise to focus attention in terms of security measures only on TCNs travelling to the EU from countries with a visa requirement; questions, however, whether the proposed system is absolutely necessary and would like a thorough explanation of the rationale for it; is convinced that close cooperation between ***intelligence services*** in particular is the right way forward, rather than a massive collection of data in general;	9. Acknowledges that it would be unwise to focus attention in terms of security measures only on TCNs travelling to the EU from countries with a visa requirement; questions, however, whether the proposed system is absolutely necessary and would like a thorough explanation of the rationale for it; is convinced that close cooperation between ***law enforcement agencies*** in particular is the right way forward, rather than a massive collection of data in general;

Or. en

Amendment 23
Marian-Jean Marinescu

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution	*Amendment*
	9a. Considers that the creation of ESTA is not financially justified and suggests replacing this proposed system with the obligativity for the TCNs not requiring a visa, to use a biometric passport when entering EU;

Or. en

Amendment 24
Roselyne Lefrançois

Motion for a resolution
Paragraph 11

Motion for a resolution	*Amendment*
11. Finds it unacceptable that the Commission failed to consult the European Data Protection Supervisor (EDPS) ***and*** the Article 29 Working Party prior to the adoption of the Communication entitled 'Preparing the next steps in border management in the European Union'; requests the Commission to ***do so*** in respect of any action under that Communication, as the proposed building blocks entail the processing of vast amounts of personal data;	11. Finds it unacceptable that the Commission failed to consult ***either*** the European Data Protection Supervisor (EDPS)***, who had nonetheless expressed a number of concerns, or*** the Article 29 Working Party prior to the adoption of the Communication entitled 'Preparing the next steps in border management in the European Union'; requests the Commission***, therefore,*** to ***consult both*** in respect of any action under that Communication, as the proposed building blocks entail the processing of vast amounts of personal data;

Or. fr

Amendment 25
Jeanine Hennis-Plasschaert

Motion for a resolution
Paragraph 12

Motion for a resolution	*Amendment*
12. Is aware that biometrics are theoretically effective personal identifiers because the characteristics measured are thought to be distinctive of each person; underlines, however, the fact that the reliability of biometrics is never absolute and/or biometrics are not in all cases accurate; therefore points out that fall-back procedures should be provided for at all times;	12. Is aware that biometrics are theoretically effective personal identifiers because the characteristics measured are thought to be distinctive of each person; underlines, however, the fact that the reliability of biometrics is never absolute and/or biometrics are not in all cases accurate; therefore points out that fall-back procedures should be provided for at all times ***and risk profiles should be better elaborated***;

Or. en

Amendment 26
Marian-Jean Marinescu

Motion for a resolution
Paragraph 16

Motion for a resolution	*Amendment*
16. Is, however, of the opinion that, within the framework of border and immigration management, far reaching proposals are piling up at an amazing pace;	16. Is, however, of the opinion that, within the framework of border and immigration management, far reaching proposals are piling up at an amazing pace; ***asks therefore the Commission to think in terms of necessity and cost of the border logistics;***

Or. en

Amendment 27
Roselyne Lefrançois

Motion for a resolution
Paragraph 16a (new)

Motion for a resolution	*Amendment*
	16a. Deplores, furthermore, the notion of grounding the EU's border management policy in the idea that all travellers are potentially suspect and have to prove their good faith;

Or. fr

Amendment 28
Marian-Jean Marinescu

Motion for a resolution
Paragraph 17

Motion for a resolution	*Amendment*
17. Criticises the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's border strategy as well as the details for how all related programmes and schemes (already in place, in the course of preparation or at the stage of policy development) are supposed to function together and how relationships among them can be optimised;	17. Criticises the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's border ***management*** strategy as well as the details for how all related programmes and schemes (already in place, in the course of preparation or at the stage of policy development) are supposed to function together and how relationships among them can be optimised; ***when considering the architecture of the EU's border management strategy, the Commission should first of all analyse the effectiveness of the existing border management systems of the Member States, in order to obtain the optimal synergies among them. As a first step, a pilot project should be launched to assess thoroughly the systems in place, and in the second stage to make use of the results of this assessment for further needed improvement;***

Or. en

Amendment 29
Marian-Jean Marinescu

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution	*Amendment*
	17a. Furthermore, the Commission should be aware that securing the external EU border should be complemented by programmes for strengthening the third country borders neighbouring the EU, included in the actual framework of the European Neighbourhood Policy (the Eastern Partnership, EUROMED) and countries that are part of the Stabilisation and Association Process for South East Europe;

Or. en

Amendment 30
Marian-Jean Marinescu

Motion for a resolution
Paragraph 18

Motion for a resolution	*Amendment*
18. Stresses the need for an evaluation and assessment of existing systems and those under preparation first of all, and emphasizes that the EU's ability to achieve its strategic goals depends to a great extent on its success in managing the interdependencies among related programmes, as duplication and inconsistency across them will have a negative impact on organisational performance and results as a consequence;	18. Stresses the need for an evaluation and assessment of existing systems and those under preparation first of all, and emphasizes that the EU's ability to achieve its strategic goals depends to a great extent on its success in managing the interdependencies among related programmes, as duplication and inconsistency across them will have a negative impact on organisational performance and results as a consequence; ***is the opinion that no new instruments***

and systems should be launched until the existing tools are fully operational, safe and reliable;

Or. en

Amendment 31
Roselyne Lefrançois

Motion for a resolution
Paragraph 19a (new)

Motion for a resolution	*Amendment*
	19a. Expresses doubts concerning the necessity and proportionality of the proposed measures, given their expensive nature and the potential risks they pose for data protection;

Or. fr